

ALEXANDER MACKAY: A PROSPECTOR AND MINER IN HAURAKI

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Abstract: *A Scot, trained as a carpenter, Alexander Mackay was a prospector and miner for most of his life. After fighting in the Waikato War, he went to the new Thames gold field, where he invested in and worked in several mines. From late 1868 onwards, he concentrated on prospecting in Ohinemuri, illegally, and claimed to have found gold in several places. After mining at Karangahake in 1875, he worked on other fields, including Waihi and Waiorongomai. Lacking capital, he usually worked for wages, and was not very successful in his prospecting or in obtaining a good financial return. He spent many years seeking rewards for all the discoveries he claimed to have made, unsuccessfully, for other prospectors refuted his claims. Because of his financial difficulties, he was involved in an attempt to obtain money by fraud in 1886 and became bankrupt in 1891.*

His complicated family life was marked by violence, drunkenness, and immorality, including adultery, prostitution, illegitimacy, and having some of his children taken off him.

BEFORE BECOMING A PROSPECTOR

Alexander Mackay, commonly known as Alec or Alick,¹ was born in 1840 to James, a farmer.² He gave his birthplace variously as Glasgow, Teroine or Tyrome in Argyleshire (neither of these mis-spelled places can now be traced), and even California.³ In the late 1890s he gave himself the middle name of Breadalbane (without being able to spell it correctly).⁴ Had he been born in this region, in the southern-central Scottish Highlands

¹ For example, *Observer*, 20 July 1901, p. 20; letter from W.S.C. Nicholl, *Ohinemuri Gazette*, 24 July 1901, p. 2.

² Death Certificate of Alexander Mackay, 1 October 1918, 1918/7006, BDM.

³ Birth Certificates of Ruth Maud Mackay, 26 June 1881, 1881/6188; Helie Mackay, 12 June 1885, 1885/5643; Alexander Mackay, 20 June 1887, 1887/14056; William James Mackay, 2 July 1889, 1889/7875; Constance Olivia Bredalbane Mackay Leaming, 25 October 1900, 1900/11225, BDM; Second Regiment, Waikato Militia, Regimental No. 964, Jeni Palmer, *Nominal and Descriptive Rolls of First, Second, Third and Fourth Waikato Regiments 1863-1867* (Tauranga, 2007), p. 109.

⁴ For example, Birth Certificate of Blanche Bredalbane Mackay Leaming, 22 February 1898, 1898/1943, BDM.

known as Atholl, part of Clan Campbell's territory?⁵ In 1892 the police described him as being five feet nine-and-a-half inches high, with a 'fresh' complexion, dark brown hair, blue eyes, and a large nose. He had 'three flesh lumps' on the top of his head, and his left little finger was stiff.⁶ In 1901 he had only one 'flesh-lump' on the top of his head and a scar on his left wrist; three years later the lumps were not mentioned, but he had acquired a scar on each wrist.⁷ Family descendants understood that he had 'sabre scars on his shoulders', a legacy of his military service,⁸ but these was not noted by the police. Trained as a carpenter, he occasionally worked as one when mining was unprofitable,⁹ and either of these occupations could have damaged his hand, while the lumps suggested a mining accident; or a fight?

He arrived in Auckland (on the 'Auckland') in 1857.¹⁰ In September 1863, when he was a contractor in Otago (his life there did not merit a mention in the press), he enlisted in the Second Regiment of the Waikato Militia.¹¹ After serving in its No. 9 Company and then volunteering to serve in No. 4 Company of the Imperial Commissariat Transport Corps, he was discharged in January 1866.¹² In 1902, he sought a replacement for his New Zealand War Medal, which he had lost in 1868 while saving a man from drowning; the medal and ribbon had been in his waistcoat pocket, and after the rescue he had dived several times to recover these, without success. He received the replacement medal in the following year.¹³ He had told the

⁵ *Wikipedia*.

⁶ *New Zealand Police Gazette*, 13 January 1892, p. 6.

⁷ *New Zealand Police Gazette*, 5 June 1901, p. 142, 2 November 1904, p. 326.

⁸ Michele Scott to Philip Hart, 28 July 2016, email.

⁹ *New Zealand Herald*, Police Court, 30 September 1886, p. 6; Statement to Official Assignee, 17 March 1891, p. 3; Palmer, p. 109; Birth Certificates of Elizabeth Mackay, 28 June 1879, 1879/14739; Helie Mackay, 12 June 1885, 1885/5643; Alexander Mackay, 20 June 1887, 1887/14056; William James Mackay, 2 July 1889, 1889/7875, BDM.

¹⁰ Letter from Alex Mackay, *Auckland Star*, 29 May 1899, p. 2; Palmer, p. 109.

¹¹ Palmer, p. 109.

¹² Variations of Service, Nominal and Descriptive Roll, Second Regiment, Waikato Militia, Army Department, microfilm; Maori War Index, MW 1808, Army Department, AD 32, ANZ-W.

¹³ Maori War Index, MW 1808, Army Department, AD 32, ANZ-W; for the grant of the original medal, see *New Zealand Gazette*, 31 May 1871, p. 251 [name recorded as McKaye].

Minister of Defence that 'I should have applied for this earlier, but I had not proved the necessity of it until now',¹⁴ a possible reference to his desire for a pension. When he applied in 1905 for an award of land or money for his military services, his petition was ignored.¹⁵ In 1910, he renewed his application for a pension, but then withdrew his claim.¹⁶ His death certificate described him as a military pensioner.¹⁷

Mackay had not finished with soldiering after leaving the Waikato Militia, enrolling in the Hauraki Rifle Volunteers in December 1871.¹⁸

PROSPECTING AND MINING AT THAMES AND OHINEMURI BEFORE 1875

In 1886, Mackay stated that he had lived in Thames since 1867, apart from 18 months during 1881 and 1882.¹⁹ In mid-April 1868, he had obtained his first miner's right.²⁰ In June, he was a member of the party which first pegged off the Junction, on Kuranui Hill adjacent to the Long Drive mine, and was one of its eight owners, holding one-sixth of the interest; he sold half his interest before becoming a shareholder in the company formed in 1869.²¹ In August, as an initial director of the company, along with the legal manager he called a meeting of shareholders to elect a full board of directors.²² Later, he had to be sued to force him to pay calls.²³

¹⁴ Alexander Mackay to Minister of Defence, 4 October 1902, Maori War Index, MW 1808, Army Department, AD 32, ANZ-W.

¹⁵ Alexander Mackay to Speaker and Members of the House of Representatives, 8 September 1905, Petition no. 501, Legislative Department, LE 1, 1905/10, ANZ-W; 'Report of Public Petitions M to Z Committee', *AJHR*, 1905, I-2, p. 10.

¹⁶ Maori War Index, MW 1808, Army Department, AD 32, ANZ-W.

¹⁷ Death Certificate of Alexander Mackay, 1 October 1918, 1918/7006, BDM.

¹⁸ Nominal Roll, No. 3 Company, Hauraki Rifle Volunteers, 31 March 1872, Army Department, ARM 41, 1878/1m, ANZ-W.

¹⁹ Police Court, *New Zealand Herald*, 2 October 1886, p. 6.

²⁰ Thames Warden's Court, Register of Miner's Rights 1867-1868, no. 4965, BACL 14358/1a, ANZ-A.

²¹ *Auckland Weekly News*, 2 October 1869, p. 11; Thames Warden's Court, Claims Register May-June 1868, folio 193, BACL 14397/1a, ANZ-A; advertisement, *Daily Southern Cross*, 20 July 1869, p. 7; *Auckland Provincial Government Gazette*, 30 July 1869, p. 650.

²² Advertisement, *Daily Southern Cross*, 28 August 1869, p. 5.

²³ Thames Magistrate's Court, Complaint Book 1869-1871, 483/1870, BACL 13737/1a, ANZ-A.

In mid-1868, he was a shareholder in another mine, selling his interest after three weeks.²⁴ The following year, he held shares in another mine and in the company formed to work it as well as in another company.²⁵

Mackay soon became interested in exploring Ohinemuri, despite the government (to avoid the possibility of bloodshed) ruling this district out of bounds to miners as no agreement with the Maori landowners had been reached.²⁶ He was sufficiently familiar with the countryside that in March 1871 he was undoubtedly the man named as ‘Mackay, the messenger who undertook to convey the English telegrams overland to Tauranga for transmission to the South’. Beyond Paeroa he ‘was chased by an ambuscade’ of Maori and ‘ran for his life, and returned to Ohinemuri’, but subsequently travelled to Tauranga ‘by another path’.²⁷ In 1875, those seeking the reward for being the first to discover gold in Ohinemuri outlined their surreptitious explorations. William Logan²⁸ described arranging with a Maori prospector in October 1874 to give Mackay a one-twentieth interest in any claim pegged out.²⁹ James Mackay (no relation), the former Civil Commissioner in Hauraki, stated that the first time he had heard of gold there was ‘towards the end of 1868’, when he was travelling down the Waihou River: Mackay and his mate, Thomas Edmund Arnold,³⁰ showed him ‘stone they said they got at Ohinemuri’.³¹ Two decades later, James Mackay recalled that his

²⁴ Thames Warden’s Court, Claims Register May-June 1868, folio 320, BACL 14397/1a, ANZ-A.

²⁵ Thames Warden’s Court, Claims Register 1869, no. 1676, BACL 14397/4a, ANZ-A; advertisement, *New Zealand Herald*, 20 July 1869, p. 3; *New Zealand Gazette*, 2 September 1869, p. 452.

²⁶ See paper on Maori land in Hauraki.

²⁷ *Daily Southern Cross*, 20 March 1871, p. 2; thanks to Michele Scott for providing this reference.

²⁸ See *Thames Advertiser*, advertisement, 9 September 1874, p. 2, letter from William Logan, 21 January 1875, p. 3, 6 March 1875, p. 3, 28 October 1875, p. 2, 10 April 1876, p. 2, County Council, 8 February 1878, p. 3; *Thames Star*, 24 October 1888, p. 2.

²⁹ Evidence of William Logan, 12 March 1875, Thames Warden’s Court, Warden’s Notes, Ohinemuri, 1875-1877, BACL 14566/1a, ANZ-A; *Thames Advertiser*, 13 March 1875, p. 3.

³⁰ For his mining career, see *Thames Advertiser*, 17 May 1875, p. 3, 10 December 1880, p. 3; H. Eyre Kenny to Under-Secretary, Mines Department, 10 August 1894, Goldfields and Mines Committee, Legislative Department, LE 1, 1894/5, ANZ-W.

³¹ Evidence of James Mackay, 12 March 1875, Thames Warden’s Court, Warden’s Notes, Ohinemuri, 1875-1877, BACL 14566/1a, ANZ-A; *Thames Advertiser*, 15 March 1875, p. 3.

namesake had ‘managed to prospect at Ohinemuri before the field was opened because he was on good terms with the Natives’. When applying to him for a prospectors’ license in February 1869, Mackay had produced ‘some stone which he had procured at Karangahake’.³²

John Wullanora Thorp, a long-time Ohinemuri resident,³³ recounted how in 1862 some Maori had shown him gold at Rotokohu, on the western side of Karangahake mountain. At the beginning of November 1868, when Thorp was finding prospects in a creek near the future Mackaytown,

I saw Tom Arnold, Philip Holes,³⁴ Alexander Mackay & John Turner,³⁵ they came over to where I was & said there is no gold there but Philip Holes said I have a good show up the Creek & I will give you a share Subsequently we arranged to have the Block surveyed sometime in 1869 to get it put through the Lands Court.

Mackay had reported their find to the Superintendent of Auckland Province, whose reply was produced.³⁶ Holes also mentioned Mackay as being one of those prospecting Karangahake.³⁷

Mackay gave evidence that he first came to Ohinemuri with James Verrall³⁸ and Holes in August 1868. ‘After being there some time’ they obtained permission from Kepa Te Raharuhi, the senior rangatira of Ngati Koi,³⁹ to prospect his land at Karangahake. They also cut wood for Te Hira, the senior rangatira for the district,⁴⁰ ‘but we prospected. That was what we

³² Memorandum by James Mackay, 3 August 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W.

³³ See paper on Daniel Leahy.

³⁴ See *Thames Advertiser*, 3 April 1875, p. 3, 17 May 1875, p. 3, advertisement, 10 April 1877, p. 2 [recorded as Holse].

³⁵ See *Thames Star*, Magistrate’s Court, 22 February 1878, p. 2, Assessment Court, 24 February 1880, p. 2, 2 March 1898, p. 3.

³⁶ Evidence of J.W. Thorp, 12 March 1875, Thames Warden’s Court, Warden’s Notes, Ohinemuri, 1875-1877, BACL 14566/1a, ANZ-A; *Thames Advertiser*, 15 March 1875, p. 3.

³⁷ Evidence of Philip Holes, 12 March 1875, Thames Warden’s Court, Warden’s Notes, Ohinemuri, 1875-1877, BACL 14566/1a, ANZ-A.

³⁸ See *Thames Advertiser*, 17 May 1875, p. 3, advertisement, 4 June 1875, p. 2, 16 January 1877, p. 3, 3 July 1879, p. 2; *Thames Star*, 3 July 1880, p. 2, 4 December 1924, p. 8.

³⁹ See Maori Land Court, Hauraki Minute Book no. 5, pp. 60, 74, 175; *Ohinemuri Gazette*, 13 July 1903, p. 2.

⁴⁰ See paper on Maori land in Hauraki.

were there for'.⁴¹ They had commenced prospecting 'about' 1 November, when they found 'some little specimens in a creek running down towards' the Waitawheta River. They traced this up the spur, and after sinking holes 'got cap of reef – got gold bearing quartz & a good show of loose gold'. After filling the holes 'carefully', they left to prospect Waitekauri; their samples, tested in Thames, returned 17oz to the ton. He had shown James Mackay some of their stone when travelling to Thames on the cutter 'Una'. He helped to cut the lines for the survey of the land where they had found the gold, called Reserve A, and asked the Superintendent for a prospecting license. Two years later, others prospected the same area. 'We got the Cap of reef - & I can show it tomorrow – I should have a place [in] the Banyan Claim – which I had been prospecting'.⁴²

Arnold confirmed that he had accompanied Mackay, Holes, and Verrall to Ohinemuri in August 1868.

We came up with intention of prospecting but natives dicky ['dicey']⁴³ about that & we made arrangements with Te Hira to cut timber – prospecting all about for six weeks – We got some loose gold little loose in Creek near reserve one day about latter end of October – then I was broke from party down at Turners sick & in my absence they worked on Spur they talked about doing this before I got sick in my absence they did so they told me about it & showed me stuff they got & either a day or two after I went up with them & saw the working on Spur inside the pegs – we took some stuff out then while I was there & took it down to Shortland in a Cutter belonging to Turner the "Una".

He arranged the crushing of their samples, being 'certain there was gold', and arranged with Thorp to survey the ground where it had been found, taking the surveyor there in 1869. Nobody discovered these workings

⁴¹ *Thames Advertiser*, 15 March 1875, p. 3.

⁴² Evidence of Alexander Mackay, 12 March 1875, Thames Warden's Court, Warden's Notes, Ohinemuri, 1875-1877, BACL 14566/1a, ANZ-A.

⁴³ Eric Partridge, *A Dictionary of Slang and Unconventional English*, 8 ed., ed. Paul Beale (London, 1984), p. 305.

subsequently.⁴⁴ As the warden accepted their evidence, this party was granted possession of the ground they had prospected.⁴⁵

Also in 1868, Mackay dived into the Ohinemuri River to rescue A. Jamieson⁴⁶ from drowning; in 1902 he would complain that he had never received 'any recognition' from the Humane Society 'for this saving of life'.⁴⁷

As with other prospectors of this district,⁴⁸ Mackay's searching for gold led to conflict with Maori opposed to Pakeha intrusion. In May 1869, when he returned to Thames from another prospecting trip, he stated that one week previously he had received 'a serious stab with a knife from a Maori woman, belonging to the Hauhaus'.⁴⁹ He later wrote that he was 'subjected to great hardships and risk of life, in fact I was fired at twice by the natives'.⁵⁰ Alfred Joshua Thorp, John's younger brother,⁵¹ 25 years later told the warden that, when returning to Ohinemuri in September 1869, he found only one party of prospectors: William Turnbull,⁵² Philip Holes, Arnold, and Mackay. They had found good prospects at Karangahake, Waitekauri, Owharoa, and Waihi, and he considered they were the 'first bona fide prospectors who did any large amount of hard work and under very difficult circumstances owing to the opposition of the Hau Hau'.⁵³

⁴⁴ Evidence of Thomas Arnold, 12 March 1875, Thames Warden's Court, Warden's Notes, Ohinemuri, 1875-1877, BACL 14566/1a, ANZ-A.

⁴⁵ Decision of William Fraser, 13 March 1875, Thames Warden's Court, Warden's Notes, Ohinemuri, 1875-1877, BACL 14566/1a, ANZ-A.

⁴⁶ Could he have been Andrew Nicholson Jamieson, who arrived in the Thames district in the following year? (Mackay's dating of events was often inaccurate.) For Jamieson's life, see *Cyclopedia of New Zealand*, vol. 7, p. 42; *Coromandel County News*, 5 December 1924, p. 2; *Observer*, 13 December 1924, p. 4.

⁴⁷ Alexander Mackay to Minister of Defence, 4 October 1902, Maori War Index, MW 1808, Army Department, AD 32, ANZ-W.

⁴⁸ See paper on Daniel Leahy.

⁴⁹ *Auckland Weekly News*, 15 May 1869, p. 22.

⁵⁰ Alexander Mackay to A.J. Cadman, 29 June 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W.

⁵¹ See *Cyclopedia of New Zealand*, vol. 2, pp. 855-856.

⁵² See *Thames Star*, 15 March 1875, p. 2; *Thames Advertiser*, 29 January 1876, p. 3, Ohinemuri Correspondent, 1 July 1876, p. 3.

⁵³ H. Eyre Kenny to Under-Secretary, Mines Department, 10 August 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W.

In October 1872, a Panmure resident asked the Provincial Secretary to issue a prospecting license ‘to a young man named Alexander Mackay’, for whose ‘character and respectability’ he could vouch. As Mackay could be contacted through Thorp,⁵⁴ either he was living with Thorp or was using his house as a base. When asked for details of where he would be prospecting and warned that he must show that he had the approval of the Maori landowners, Mackay explained that he would be exploring the Waihi block and produced a letter from Te Kepa Raharuhi ‘and all Ngatitere’: ‘We have agreed to your granting a license to Areke Make (Alex Macky) to work for gold for himself on our land at Ohinemuri and at Waihi’.⁵⁵ Being aware of the likelihood of conflict, the government objected to his request, and the license was refused.⁵⁶ In the following year, Mackay was still in Ohinemuri.⁵⁷ He lived with Thorp ‘for some time’ before the district was opened for mining, and when it did was a member of Thorp’s party mining at Karangahake.⁵⁸

MINING 1875-1880

Shortly after Ohinemuri was proclaimed a goldfield in 1875, Mackay held interests in four claims at **Karangahake**.⁵⁹ He became a shareholder in the Karangahake Company, formed in June 1875 to work one of these.⁶⁰ In the following month, Arnold tried to obtain Mackay’s half share in the Karangahake Amalgamated for non-working, but the warden adjourned the hearing for three weeks, hoping ‘they would meantime be able to settle their differences amicably, as it was very unseemly that men who had been

⁵⁴ J.M. Kerr to Provincial Secretary, 21 October 1872, Auckland Provincial Government Papers, ACFM 8180, 3832/72, ANZ-A.

⁵⁵ Memoranda, undated; Alexander Mackay to Provincial Secretary, 1 November 1872; Te Kepa Raharuhi and all Ngatitere to Provincial Secretary, 9 November 1872, Auckland Provincial Government Papers, ACFM 8180, 1/3832/72, ANZ-A.

⁵⁶ Memorandum, 19 November 1872, Auckland Provincial Government Papers, ACFM 8180, 1/3832/72, ANZ-A.

⁵⁷ Thames Electoral Roll, August 1873-September 1874, Auckland Provincial Papers, ACFM 8183, 10/3015/73, ANZ-A.

⁵⁸ ‘Ohinemuri Miners’ Rights Inquiry Committee’, *AJHR*, 1875, I-3, p. 30.

⁵⁹ Te Aroha Warden’s Court, Register of Ohinemuri Claims 1875, folios 22, 36, 331, BBAV 11568/1a, ANZ-W; Ohinemuri Warden’s Court, *Thames Advertiser*, 6 July 1875, p. 3.

⁶⁰ *New Zealand Gazette*, 10 June 1875, p. 401.

mates for years should quarrel and go to law'. If Mackay was indebted to Arnold, he should pay, 'as he could not expect to hold a share in a valuable claim for nothing'.⁶¹ As the warden had hoped, the dispute was soon settled out of court.⁶²

Mackay was mentioned as visiting **Waitekauri** with Alfred Thorp in May 1875,⁶³ but did not acquire interests in any claims. In 1899, a rangatira recalled him living in 'earlier years' with several Maori at **Owharoa**, on the Waihi side of the Karangahake gorge.⁶⁴ In December 1875 he acquired an interest in the Smile of Fortune, the main Owharoa mine, slightly increasing his shareholding a month later.⁶⁵ Reportedly he worked the Prospectors' Claim 'to some advantage in 1877'.⁶⁶ In March 1878, with three others he sued another miner for encroaching on their **Coromandel** claim and taking some of their quartz, but lost both suits.⁶⁷

WAIHI, 1881-1882

After Billy Nicholl found the Martha lode,⁶⁸ Mackay rushed to Waihi and was one of the original prospectors of ground later taken up by the Rosemont Company.⁶⁹ He was applying for claims, with George Smith,⁷⁰ in May 1881, and by June was referred to as being the representative of several Waikato investors.⁷¹ On 13 July, along with his father-in-law

⁶¹ Ohinemuri Warden's Court, *Thames Advertiser*, 6 July 1875, p. 3.

⁶² Thames Warden's Court, Record of Warden's Decisions, Ohinemuri, 1873-1876, 38/1875, BACL 14565/1a, ANZ-A.

⁶³ Own Correspondent, 'Ohinemuri: The Waitekauri District', *Thames Advertiser*, 22 May 1875, p. 3.

⁶⁴ Maori Land Court, Hauraki Minute Book no. 50, p. 81.

⁶⁵ Te Aroha Warden's Court, Register of Ohinemuri Claims 1875, folios 106, 121, BBAV 11568/1a, ANZ-A.

⁶⁶ *Thames Advertiser*, 19 March 1889, p. 2.

⁶⁷ Coromandel Warden's Court, Complaint Register 1872-1895, nos. 91, 92 (entries for 7 March 1878, 25 March 1878), BACL 14047/3a, ANZ-A.

⁶⁸ See paper on Billy Nicholl.

⁶⁹ *Thames Star*, 24 November 1882, p. 2.

⁷⁰ Possibly he was the miner involved in a dispute in 1874: see Warden's Court, *Thames Advertiser*, 25 February 1874, p. 3, 14 August 1874, p. 3, 27 August 1874, p. 3, 28 August 1874, p. 3.

⁷¹ *Thames Star*, 21 May 1881, p. 3, 2 June 1881, p. 2.

George Green, whose life is detailed below, and William Cumming, a prominent Hamilton brewer and member of several local bodies,⁷² he became an owner of the Golden Crown, James, Triumph, Half-ton, Mackay, and Davitt claims. All but the last were surrendered later and, with the same owners, were included in the Rosemont.⁷³ A visiting reporter described these men as ‘the Waikato party’, who had amalgamated their interests in ground ‘about a mile away’ from the Martha mine and ‘on the opposite hill’. They were ‘satisfied with their show, and declare it cannot be equalled elsewhere’.⁷⁴ Seizing the opportunity to make a quick return, Mackay sold most of his interests in the Rosemont within less than two months.⁷⁵ He sold three of his shares in the Davitt before forfeiting it in August the following year.⁷⁶ At the beginning of August 1881, a Waihi correspondent reported that Mackay ‘and his Waikato friends have driven some 360 feet in their lease’.⁷⁷ Later in the month, reportedly he uncovered a good reef.⁷⁸ A ‘special mining reporter’ who visited in early September discovered his party had put in ‘several drives’ in the Rosemont, cutting ‘a number of gold bearing leaders’. In the top level they ‘had reached the main reef, but they are not yet through it. The quartz looks well’, and Green ‘pounded, for my information, a piece of quartz, which showed a splendid prospect’.⁷⁹

Late in September, Mackay took up ground closer to the Martha: ‘Cummings and party have the reef, and a fair show, which they consider sufficient to warrant a battery, and have protection until they see a means

⁷² See *Waikato Times*, 23 December 1876, p. 3, 23 January 1879, p. 3, 10 July 1879, p. 2, 22 July 1880, p. 2, 11 October 1879, p. 2, 28 February 1880, pp. 2, 3, 4 March 1880, p. 2, 1 June 1880, p. 2, 27 July 1880, p. 2, 12 March 1881, p. 3, 28 April 1881, p. 3, 22 December 1881, p. 3, 7 March 1882, p. 2, 6 June 1882, p. 2, 16 December 1882, p. 3, 18 December 1883, p. 2.

⁷³ Thames Warden’s Court, Register of Licensed Holdings 1875-1882, folios 148-153, 161, BACL 14397/10a, ANZ-A.

⁷⁴ Own Correspondent, *Thames Advertiser*, 16 July 1881, p. 3.

⁷⁵ Thames Warden’s Court, Register of Licensed Holdings 1875-1882, folio 161, BACL 14397/10a, ANZ-A.

⁷⁶ Thames Warden’s Court, Register of Licensed Holdings 1875-1882, folio 153, BACL 14397/10a, ANZ-A; *Thames Star*, 25 August 1882, p. 3.

⁷⁷ Waihi Correspondent, *New Zealand Herald*, 4 August 1881, p. 6.

⁷⁸ *Thames Advertiser*, 23 August 1881, p. 2.

⁷⁹ Special Mining Reporter, ‘A Visit to Waihi’, *Thames Advertiser*, 10 September 1881, p. 3.

of obtaining crushing power'.⁸⁰ Presumably their stated intention to erect a battery caused a dispute with Henry Hopper Adams, contractor for the first Waihi batteries;⁸¹ when Adams was 'looking around for kauri trees' in September, he discovered that Mackay 'was beforehand with him, and had the best timber marked for himself'.⁸² In November, with Peter Norbury, a Thames grocer,⁸³ Mackay sued Adams for 'wrongful conversion of kauri trees' after Adams had felled some; seeking £40, they received only £6 and costs.⁸⁴ In November, when the Rosemont Company was registered, Mackay held 2,530 of its 30,000 scrip shares and was a director.⁸⁵

Mackay, like so many other miners, was handicapped by lack of capital. In early October, an amateur poet, one D.T., published an 'Ode on Waihi Plains', which included the following stanzas:

Mackay, Alexander, too, has pegged six leases out
You can bet this great commander knows what he's about
He never thought he would become an auri-furious claim.

The farming men of Waikato did wish with him to join,
But did not like to anti up⁸⁶ the necessary coin:
It took a good few yellow-boys⁸⁷ to secure the ground,
But from those men of Waikato he scarce could raise a pound.⁸⁸

In November, Mackay and Norbury applied for the Little Lizzie,⁸⁹ unsuccessfully, marking his last involvement in Waihi mining until the

⁸⁰ Paeroa Correspondent, *Thames Advertiser*, 26 September 1881, p. 3.

⁸¹ See paper on his life.

⁸² Paeroa Correspondent, *Thames Advertiser*, 26 September 1881, p. 3, advertisement, 27 September 1881, p. 2.

⁸³ See *Thames Advertiser*, 13 December 1870, p. 2, Magistrate's Court, 14 October 1881, p. 2, Magistrate's Court, 15 October 1881, p. 3; *Thames Star*, 22 January 1901, p. 3.

⁸⁴ Paeroa Warden's Court, *Plaint Book 1881-1896*, 31/1881, BACL 13745/1a, ANZ-A.

⁸⁵ *New Zealand Gazette*, 3 November 1881, p. 1442; *Thames Star*, 7 October 1881, p. 2.

⁸⁶ To ante or ante-up was 'to pay out money in advance', usually in card games: Jonathon Green, *The Cassell Dictionary of Slang* (London, 1998), p. 23.

⁸⁷ Sovereigns (£1): Partridge, p. 1361.

⁸⁸ D.T., 'Ode on Waihi Plains', *Thames Advertiser*, 4 October 1881, p. 3.

⁸⁹ *Thames Star*, 8 October 1881, p. 3.

boom of the 1890s. As the fortunes of the Rosemont faded in the following year, Mackay failed to pay calls, being sued for £1 11s 6d in October.⁹⁰

MINING AT WAIORONGOMAI IN 1881

Mackay did not participate in the Te Aroha rush of 1880, but in late October in the following year went to Waiorongomai after the discovery of gold there, taking out a miner's right on 25 October.⁹¹ On 13 October, his father-in-law had informed the warden that he had pegged out the Nile,⁹² and four days later James Ponui Nicholls⁹³ and William Alfred Stack, later a roading contractor,⁹⁴ explained that their party consisted of themselves and Mackay.

We supposed we were pegging 15 mine's ground notice of pegging off of which was given by Mackay – on Miner's Right of a man named Green, a party not interested in the claim – without our consent.

We being afraid that the omission of our names in the Notice of pegging off might cause our rights to be overlooked would respectfully request that no registration of the claim should be permitted except in our joint names.⁹⁵

As the Nile was in an unpayable portion of the field, it was not registered. On 29 October, Mackay sued for the forfeiture of Hone Werahiko⁹⁶ and party's Golden Crown for non-working; instead of forfeiting it, the warden, Harry Kenrick,⁹⁷ imposing the notional fine of one shilling

⁹⁰ Thames Magistrate's Court, Plaintiff Book 1881-1884, 396/1882, BACL 13737/12a, ANZ-A.

⁹¹ Te Aroha Warden's Court, Miner's Right no. 1791, issued 25 October 1881, Miners' Rights Butt Book 1881, BBAV 11533/1h, ANZ-A.

⁹² Te Aroha Warden's Court, Notices of Marking Out Claims, October 1881, no. 255, BBAV 11557/1b, ANZ-A.

⁹³ See paper on William Nicholls and his children.

⁹⁴ See Ohinemuri County Council, *Ohinemuri Gazette*, 2 March 1906, p. 2; *Auckland Star*, 27 April 1929, p. 25.

⁹⁵ James Nicholls and W.A. Stack to Warden, 17 October 1881, Te Aroha Warden's Court, Notices of Marking Out Claims, October 1881, no. 255, BBAV 11557/1b, ANZ-A.

⁹⁶ See paper on his life.

⁹⁷ See paper on his life.

plus costs.⁹⁸ In November, when Mackay was associated with investors in obtaining the Golden Hill and Nevada claims, one investor informed another that the warden's clerk had informed him 'that Mackay's notice of pegging is informal: He has not in either of the notices inserted the number of men's ground and in the case of the Golden Hill he has not inserted the distinguishing Peg mark which I think should be B. Now it is of the utmost importance that these irregularities should be made right', so he asked that the titles be made 'Secure and indefeasible'.⁹⁹ On 23 December, Mackay duly became one of the three owners of these claims, having 20 shares in each. In the Golden Hill, in less than three months he sold six-and-three-quarters of his shares, all for good prices apart from one share given to his father-in-law for a shilling; from these sales he received £120 15s.¹⁰⁰ Within three months he sold one and three quarters of his shares in the Nevada for £60 10s.¹⁰¹ That ended his involvement in this field.

MINING IN VARIOUS PARTS OF HAURAKI FROM 1882 ONWARDS

In April 1884, Mackay was a labourer at **Thames**.¹⁰² In April 1885, with one Maori and one Pakeha partner, he took up the Little Helen at Alabama Creek. Although it was abandoned in early June, he was working it again in August.¹⁰³ Two Auckland investors acquired interests in

⁹⁸ Te Aroha Warden's Court, Plaintiff Book 1880-1898, 42/1881, BBAV 11547/1a, ANZ-A; Te Aroha Warden's Court, *Thames Advertiser*, 10 November 1881, p. 3, 8 December 1881, p. 3.

⁹⁹ Alexander Mackay to Mining Registrar, 11 November 1881; John Abbott to Daniel Tookey, 24 November 1881, Te Aroha Warden's Court, Applications for Licensed Holdings 1880-1881, BBAV 11582/1a, ANZ-A.

¹⁰⁰ Te Aroha Warden's Court, Register of Licensed Holdings 1881-1887, folio 12, BBAV 11500/9a; Transfers and Assignments, nos. 23, 25, 34, 35, 76-78, 89, 112, 191, BBAV 11581/1a, ANZ-A.

¹⁰¹ Te Aroha Warden's Court, Register of Licensed Holdings 1881-1887, folio 27, BBAV 11500/9a; Transfers and Assignments 1882, nos. 22, 24, 26, 90, 111, BBAV 11581/1a, ANZ-A.

¹⁰² Thames Magistrate's Court, Plaintiff Book 1881-1884, 85, 89/1884, BACL 13737/13a, ANZ-A.

¹⁰³ Thames Warden's Court, Register of Claims 1884-1886, no. 1303, BACL 14397/15a, ANZ-A; Warden's Court, *Thames Advertiser*, 10 August 1885, p. 3.

September, and they as well as Mackay were allotted 1,500 of the 26,000 scrip shares when a company was floated.¹⁰⁴ When it was registered in November, Mackay held 2,166.¹⁰⁵ In the following March, he sued the company and the other two investors for wages because he had not been paid after 22 December. When he claimed not to have been told to stop mining, one of the Auckland investors produced a letter stating that the company had no funds and would not pay wages. As other correspondence dating from early December indicated that Mackay should have been aware of this, he was awarded £7 14s instead of the £17 10s sought.¹⁰⁶ In mid-November 1885, he was registered as owner of Mackay's, four men's ground in Alabama Creek, and a month later of the Argyle, 15 men's ground in Hape Creek.¹⁰⁷ In the following February he was working for the Little Helen Company.¹⁰⁸

In August 1885, Mackay sued the owner of the Albion, at **Karangahake**, hoping to obtain it for non-working, but instead the owner was fined.¹⁰⁹ The following July, he visited **Waiomo**, where he owned a water race, and two months later described himself as being 'largely interested' in that district.¹¹⁰

After the **Puriri** district attracted his attention in 1888, he became an owner along with John Thorp and John Featon, an artist and investor,¹¹¹ of the Hidden Treasure in February, selling a quarter of his interest a month later.¹¹² In March, with his father-in-law he left Auckland, where he had been living, for Puriri 'to work some ground'.¹¹³ After cutting what was

¹⁰⁴ Magistrate's Court, *Thames Advertiser*, 6 March 1886, p. 3.

¹⁰⁵ *New Zealand Gazette*, 5 November 1885, p. 1301.

¹⁰⁶ Magistrate's Court, *Thames Advertiser*, 6 March 1886, p. 3.

¹⁰⁷ Thames Warden's Court, Register of Claims 1884-1886, nos. 1401, 1411, BACL 14397/15a, ANZ-A.

¹⁰⁸ Thames Warden's Court, Plaintiff Book 1884-1888, 55/1886, BACL 13737/13a, ANZ-A.

¹⁰⁹ Warden's Court, *Thames Advertiser*, 10 August 1885, p. 3.

¹¹⁰ *Thames Advertiser*, 8 July 1886, p. 2; Police Court, *New Zealand Herald*, 30 September 1886, p. 6.

¹¹¹ See *Cyclopedia of New Zealand*, vol. 2, p. 878; *Observer*, 22 August 1896, p. 24; *Waihi Borough Council: Diamond Jubilee 1902-1962*, ed. N.S. Climie (Paeroa, 1961), p. 123.

¹¹² Thames Warden's Court, Register of Claims 1886-1888, no. 1670, BACL 14397/17a, ANZ-A.

¹¹³ Auckland Industrial School, Admissions Register, Boys, 1882-1890, folio 294, BAAA 1955/2, ANZ-A.

claimed to be a good reef in May, he took samples to Auckland for testing.¹¹⁴ Later that month, an unnamed Puriri resident (probably one of the owners) wrote to the press about a robbery:

The Hidden Treasure mine seems to be unfortunate in the attempts – some of which have been successful – to steal quartz from their workings. On Monday last, during the absence of the owners in Auckland, the mine was deliberately opened by several men, who, in broad daylight, burst up the nailed bands over the shaft, which they descended, and broke down the reef, notwithstanding a notice fixed to the side of the shaft to the effect that any person or persons breaking into the workings would be prosecuted. What the outcome will be to these repeated outrages on the property of men who have spent their time, money, and lengthy mining experience to do good for this district I do not know; but I do know that every miner from Ohinemuri to the Thames, who has heard of it, earnestly hopes that the perpetrators will be brought to speedy justice. I am informed that the owners of the Hidden Treasure calculate that they have had considerably over 1cwt of picked stone stolen from their workings.¹¹⁵

A journalist discovered this story to be untrue. The three owners had offered the mine to Thomas Morrin, a prominent merchant and mining investor,¹¹⁶ and other Auckland investors, including Adam Porter,¹¹⁷ and had taken five tons for testing at George Fraser's Phoenix Foundry in Auckland.¹¹⁸

The result, although not meeting the representations of the proprietors, still showed a payable margin, and the property was considered valuable. One of the parties interested did not consider that the mine was left in a nice state. In fact, he considered it a most discreditable condition, and he wrote to Mr Morrin on the subject, stating that the mine was left in anything but good order, and certainly not fit for visitors. Mr Morrin, on behalf of those interested with him, who had supplied all the money expended on the mine, wrote to Mr A[lexander] Hogg,¹¹⁹

¹¹⁴ *Thames Advertiser*, 3 May 1888, p. 2.

¹¹⁵ Letter from 'A Correspondent', *Auckland Weekly News*, 26 May 1888, p. 29.

¹¹⁶ See *Cyclopedia of New Zealand*, vol. 2, pp. 660-661.

¹¹⁷ See paper on his life.

¹¹⁸ For details of Fraser and his foundry, see paper on Peter Ferguson and his New Era.

¹¹⁹ See *Cyclopedia of New Zealand*, vol. 2, pp. 907-908; *Thames Star*, 11 June 1917, p. 1.

asking him to have the mine put in order. Mr Hogg, acting on these instructions, put in a couple of men to clean up the winze and drives. They repaired the winze, and in doing so some stone had to be taken out to make good the crude work done by the prospectors, but the whole of this stone, supposed to be stolen, amounting in all to 40 or 50 pounds, is now at the top of the winze, and the owners of the claim can have it free of cost by going for it. So far it does not appear that a single ounce of stone has been surreptitiously taken from the mine, and the chances are that those aggrieved proprietors may have this mine thrown on their hands, although the gentlemen who expended their money hitherto in procuring the license and paying wages may derive no benefit.¹²⁰

Hogg continued to be involved with mining at Puriri for some years, but not in the Hidden Treasure,¹²¹ which must have been seen as having little value even after Mackay's work was tidied up. When Mackay was on holiday at the end of 1888, the mine was burgled, and he lost

seven miners' picks, two striking-hammers, a blacksmith's hammer, a hand-saw, an adze, and brace and two-four bits, a rasp, two pick-handles, a shovel, two chisels, two hand-saw files, a set-saw, about three dozen empty sacks ... and 3lb of 2in and 3in new wire nails; value £7. Identifiable. All the tools except the striking-hammer and hand-saw are marked with two notches, made with the edge of a claw-hammer.¹²²

There was no report of their being recovered. In the following April, with Featon and Thorp he became an owner of the Marmion, the former Hidden Treasure, selling half his interest before its registration in less than a month.¹²³ In September he applied for a water race.¹²⁴ No further involvement with Puriri has been traced.

In mid-March 1889 he was driving on the low level of the Prospectors' Claim at **Owharoa**, which was formally registered in the name of himself and three others in April, just after he sold one of his 3 1/2 shares to a

¹²⁰ *Auckland Weekly News*, 26 May 1888, p. 9.

¹²¹ For example, *Thames Advertiser*, 22 May 1883, p. 3, 6 June 1889, p. 2, 28 February 1890, p. 2, 3 April 1890, p. 2.

¹²² *New Zealand Police Gazette*, 16 January 1889, p. 11.

¹²³ Thames Warden's Court, Register of Claims 1888-1898, no. 1784, BACL 14397/18a, ANZ-A.

¹²⁴ Warden's Court, *Thames Star*, 5 September 1889, p. 2.

Maori miner.¹²⁵ He continued to work it during that year.¹²⁶ In February 1890, with John Thorp, co-owner of two claims there, the City of Glasgow and City of Edinburgh, he applied for a government subsidy of £500 to extend the low level in the former by 500 feet to intersect a large gold-bearing reef in the latter. He also planned to test unoccupied ground between Owharoa and Waitekauri. One reason given for seeking assistance was his claim that, having ‘discovered the first gold at Ohinemuri’ he was entitled to a bonus of £2,000. ‘So considering this point the present government will not find it amiss to assist us to the extent asked’. The party asked the government to provide assistance without involving the county council, because of its ‘impecunious state’. They concluded by arguing that the grant would revive mining, ‘the depression being mainly due to the numerous mining frauds which have been practiced of late, which arise from the want of capital of the prospectors to thoroughly open up the ground before dealing with foreign capitalists’.¹²⁷ They were informed there were no funds available for this purpose.¹²⁸

In June his party was reported to be ‘doing a lot of work’.¹²⁹ In that month, his wife purchased shares in the City of Glasgow, trading in shares with, amongst others, her father, for ten months before all her remaining interest went to Morrin in April 1891.¹³⁰ In October 1890 she purchased shares in the City of Edinburgh, again selling some before the remainder went to Morrin in the following April.¹³¹ Mackay probably placed these shares in her name because of his financial problems, as explained below. In February 1892, James Russell, an Auckland lawyer who floated many

¹²⁵ *Thames Advertiser*, 19 March 1889, p. 2; Thames Warden’s Court, Register of Claims 1888-1898, no. 1783, BACL 14397/18a, ANZ-A.

¹²⁶ *Thames Star*, 27 September 1889, p. 3.

¹²⁷ Alexander Mackay and J.W. Thorp to Chief Inspector of Mines, Grahamstown, 2 February 1890, Mines Department, MD 1, 90/246, ANZ-W.

¹²⁸ Under-Secretary, Mines Department, to Alexander Mackay and J.W. Thorp, 22 April 1890, Mines Department, MD 1, 90/246, ANZ-W.

¹²⁹ *Thames Star*, 30 June 1890, p. 2.

¹³⁰ Thames Warden’s Court, Register of Licensed Holdings 1888-1892, folio 35, BACL 14355/2a; Paeroa Warden’s Court, Register of Licensed Holdings 1887-1896, folio 19, ZAAP 13293/1a, ANZ-A.

¹³¹ Thames Warden’s Court, Register of Licensed Holdings 1888-1892, folio 36, BACL 14355/2a; Paeroa Warden’s Court, Register of Licensed Holdings 1887-1896, folio 21, ZAAP 13293/1a, ANZ-A.

mining companies during that decade,¹³² mentioned to two Paeroa merchants and publicans, Asher Cassrells and Phillip Bennett,¹³³ who had interests in these claims, that he doubted Morrin would be able to float them as a company.¹³⁴ These men had been involved with mining at Owaharoa since 1881,¹³⁵ and with Mackay since at least 1882, when Bennett purchased interests in his two Waiorongomai claims.¹³⁶ The following February, after Morrin told Russell that they wanted to form a company, Russell asked to discuss this proposal before proceeding.¹³⁷ In July, he informed them that Mackay had told him they were 'all agreeable' for him to mine them claims 'on Tribute at 10% - he to pay 7/6 per ton for crushing'. Russell and Morrin were 'agreeable to this, but as past proprietors of this property' considered that 'much better could be done with it' by forming a company.¹³⁸ When Cassrells immediately denied having made this agreement, Russell replied that he had not believed Mackay's claim that Cassrells and John Thorp 'had consented to let the mine to him on tribute, but he insisted positively that it was so and that he had money to back him

¹³² For his involvement in investments of various kinds, see R.C.J. Stone, *Makers of Fortune: A colonial business community and its fall* (Auckland, 1973), pp. 42, 172.

¹³³ For examples of their long partnership, see *Thames Advertiser*, 17 August 1874, p. 3, 19 December 1878, p. 3, 14 March 1896, p. 2; *New Zealand Gazette*, 10 June 1875, p. 401, 17 February 1876, p. 136; Letterbooks no. 27, p. 577, no. 28, p. 23, no. 29, p. 508, Jackson and Russell Papers, MS 260, Library of the Auckland Institute and War Memorial Museum; *Ohinemuri Gazette*, 19 May 1924, p. 2.

¹³⁴ James Russell to Asher Cassrells and Phillip Bennett, 30 February 1892, Letterbook no. 48, p. 74, Jackson and Russell Papers, MS 360, Library of the Auckland Institute and War Memorial Museum.

¹³⁵ Special Reporter, *Thames Star*, 22 January 1881, p. 3; *Thames Advertiser*, 16 March 1881, p. 3.

¹³⁶ Te Aroha Warden's Court, Register of Licensed Holdings 1881-1887, folios 12, 27, BBAV 11500/9a; Transfers and Assignments 1882, nos. 24, 25, BBAV 11581/1a, ANZ-A.

¹³⁷ James Russell to Asher Cassrells and Phillip Bennett, 21 February 1893, Letterbook no. 51, p. 424, Jackson and Russell Papers, MS 360, Library of the Auckland Institute and War Memorial Museum.

¹³⁸ James Russell to Asher Cassrells and Phillip Bennett, 18 July 1893, Letterbook no. 52, p. 673, Jackson and Russell Papers, MS 360, Library of the Auckland Institute and War Memorial Museum.

in working it'.¹³⁹ Russell still wanted a small company formed: 'I am sure no good will come of the tribute to Mackay'.¹⁴⁰ The following February, Mackay was granted the Cadman, the new name for the City of Glasgow, transferring 14 of his 30 shares to John Thorp in March and the remainder to the new Owharoa Company in November.¹⁴¹ Mackay was still mining at Owharoa in 1896.¹⁴²

Mackay invested in other fields in a small way, in 1895 becoming a shareholder in one company at **Karangahake** and another at **Ohui**, north of Whangamata.¹⁴³ In February that year he was granted two claims at **Waihi**, selling them one week later.¹⁴⁴ Late in March, he was granted Mackay No. 1, which was sold a month later; he received £50 for selling his interest in these and one other Waihi claim.¹⁴⁵ In early April he was supervising work on the Waihi South and obtained a residence site at Waihi,¹⁴⁶ to enable him to live closer to it than at Owharoa. When he sold some of his shares in the Waihi South Company (of which he was not an original shareholder), he had to sue to obtain the balance of the purchase money, which he claimed was £55; £31 14s 5d was awarded.¹⁴⁷ Thorp acquired the Dickson Lead No. 5 at **Pukekauri** in March 1896, named after his occasional partner John Dickson, a very early prospector of

¹³⁹ James Russell to Asher Cassrells, 26 July 1893, Letterbook no. 52, p. 723, Jackson and Russell Papers, MS 360, Library of the Auckland Institute and War Memorial Museum.

¹⁴⁰ James Russell to Asher Cassrells, 2 August 1893, Letterbook no. 53, Jackson and Russell Papers, MS 360, Library of the Auckland Institute and War Memorial Museum.

¹⁴¹ Paeroa Warden's Court, Register of Licensed Holdings 1887-1896, folio 86, ZAAP 13293/1a, ANZ-A.

¹⁴² Paeroa Warden's Court, Miner's Right no. 47079, issued 11 December 1895, Register of Miners' Rights 1893-1898, ZAAP 13786/1a, ANZ-A.

¹⁴³ *New Zealand Gazette*, 25 April 1895, p. 727, 12 December 1895, p. 1926.

¹⁴⁴ Paeroa Warden's Court, Register of Licensed Holdings 1887-1896, folios 118-119, ZAAP 13293/1a, ANZ-A.

¹⁴⁵ Paeroa Warden's Court, Register of Licensed Holdings 1887-1896, folio 130, ZAAP 13293/1a, ANZ-A; Transfer to E.P. Donnelly, 17 April 1895, Hesketh and Richmond Papers, box 34, 363/D, MS 440, Auckland Public Library.

¹⁴⁶ *Thames Advertiser*, 2 April 1895, p. 3, 25 April 1895, p. 2.

¹⁴⁷ Company Files, BADZ 5181, box 58 no. 396; Auckland Magistrate's Court, Civil Cases 1896-1897, folio 23, BADW 10246/14a, ANZ-A; Magistrate's Court, *New Zealand Herald*, 24 October 1896, p. 3.

Ohinemuri,¹⁴⁸ and three months later Morrin gave a receipt for the purchase money to him and Mackay.¹⁴⁹ In October 1901, his Auckland partners in an unrecorded mine successfully took him to court to dissolve their partnership; after the property was sold for £284 2s, Mackay received £83 6s 8d as his share.¹⁵⁰ In the following month, he purchased the Sir Colin Campbell mine for £40, 'but as the 10 per cent cash on fall of hammer was not forthcoming, it was again put up, and sold' to a lawyer.¹⁵¹

THE SAXON CLAIMS AT ROTOKOHU

From at least 1897 Mackay styled himself as a mining agent.¹⁵² As this was after the mining boom, he was unlikely to have profited by joining such a crowded market. In May 1899, according to Mackay he had discovered and was 'opening up a more wonderful country' than Waihi at Rotokohu, on the western side of Karangahake mountain, describing it as 'a second Mount Morgan',¹⁵³ a reference to a valuable Queensland mine. In November he and three Auckland investors were sued for wages, which they were required to pay in the following January, the same month that the receiver of gold revenue sought the forfeiture by Mackay and six others of the Saxon Nos. 1 and 2, at Rotokohu; they were forfeited in February.¹⁵⁴ In December he applied for the Saxon No. 2, of 100 acres, and was granted the ground in the

¹⁴⁸ See *Ohinemuri Gazette*, 19 November 1915, p. 2.

¹⁴⁹ Paeroa Warden's Court, Register of Licensed Holdings 1896-1899, folio 27, ZAAP 13293/2a, ANZ-A.

¹⁵⁰ Paeroa Warden's Court, Warden's Record Book 1899-1904, Hearings of 10 October 1901, 7 November 1901, ZAAP 13796/1a, ANZ-A.

¹⁵¹ *Ohinemuri Gazette*, 29 November 1901, p. 3.

¹⁵² *Mercantile and Bankruptcy Gazette of New Zealand*, 28 January 1897, p. 48; Birth Certificates of Blanche Bredalbane Mackay Leaming, 22 February 1898, 1898/1943; Alexander Bredalbane Mackay Leaming, 20 May 1899, 1899/4937, Constance Olivia Bredalbane Mackay Leaming, 25 October 1900, 1900/11225; Constance Breadalbane Mackay, 9 April 1904, 1904/16886, BDM; *New Zealand Herald*, 17 September 1909, p. 6.

¹⁵³ Letter from Alexander Mackay, *Auckland Star*, 29 May 1899, p. 2.

¹⁵⁴ Paeroa Warden's Court, Warden's Record Book 1899-1904, Hearings of 15 November 1899, 13 December 1899, 18 January 1900, 22 February 1900, ZAAP 13796/1a, ANZ-A; *New Zealand Herald*, 23 February 1900, p. 6.

following April.¹⁵⁵ In December that year Mackay sued four shareholders, including John Thorp and Hannah Mackay, his second 'wife', of whom more below, for the forfeiture of the Saxon No. 1 but withdrew the case.¹⁵⁶ In the following January, an investor obtained its forfeiture, the unpaid rent being paid by another partner.¹⁵⁷ In May 1902 he was granted the Saxon No. 2, which was transferred to Hannah Mackay in the following month.¹⁵⁸ Instead of its being forfeited in January 1903, she was fined 20s, but after being sued in 1904 for unpaid rent it was forfeited in January 1905 and she was ordered to pay the £24 18s 9d owing in rent.¹⁵⁹ In March 1906, Mackay was once again one of the owners of both Saxon claims.¹⁶⁰ In May 1908, they were granted to John Featon, who was sued by Mackay two months later for a half interest in both claims:

Alexander Mackay, the plaintiff, deposed that he had known defendant since 1875, and had several times been associated with him in mining properties. Witness knew the Saxon No. 1 and No. 2 claims, having held them for ten years. He had not had an interest in the claims for two years before they were forfeited. In February of this year he met defendant in Auckland, and defendant asked if he knew of any mining property worth taking up. Witness told him about the Saxon No. 1 and No. 2 claims, and defendant offered to find the money if witness put him in the way of getting the ground. They offered to go in as "mates," and were to hold a half share each in the claims if they got the claims. Witness came back to Paeroa, and found out about the rent on the claims being behind, and he sent word to Featon. Defendant went down to Paeroa and went to witness' place and said he came about the Saxons. It was then arranged that Featon was to find the money and they were to go in as mate. Witness took Featon

¹⁵⁵ Advertisement, *Ohinemuri Gazette*, 5 December 1900, p. 3; *New Zealand Herald*, 26 April 1901, p. 6.

¹⁵⁶ Paeroa Warden's Court, Warden's Record Book 1899-1904, Hearings of 5 December 1901, 19 December 1901, ZAAP 13796/1a, ANZ-A.

¹⁵⁷ Paeroa Warden's Court, Warden's Record Book 1899-1904, Hearings of 23 January 1902, 20 February 1902, 20 March 1902, ZAAP 13796/1a, ANZ-A.

¹⁵⁸ *New Zealand Herald*, 9 May 1902, p. 6; Paeroa Warden's Court, Register of Licensed Holdings and Special Claims 1901-1904, folio 61, ZAAP 13294/5a, ANZ-A.

¹⁵⁹ Paeroa Warden's Court, Warden's Record Book 1899-1904, Hearings of 21 January 1903, 18 August 1904, 7 September 1904, 19 January 1905, ZAAP 13296/1a; Register of Licensed Holdings and Special Claims 1901-1904, folio 61, ZAAP 13294/5a, ANZ-A.

¹⁶⁰ *Ohinemuri Gazette*, 14 March 1906, p. 3.

over to Mr [Tracy Archer] Moresby's office¹⁶¹ [Moresby was representing Featon] to arrange about applying for the ground. Arrangements were made to get the ground. Witness remembered Featon getting the claims forfeited, and he then asked Featon about arranging about their interests, and Featon said there was time enough. When Featon applied for the ground witness took the surveyors on the ground, and did the pegging. The claim was finally recommended by the Warden to the Minister, but Featon put witness off when he asked for his shares. One day when Thorp and witness were talking to Featon, the latter said he would get witness' share fixed up as soon as possible. Later on witness instructed Mr [Edwin John] Clendon¹⁶² [representing Mackay], and the latter wrote and asked Featon to sign an acknowledgement in writing that he held a half share of the claim for witness. Featon declined to sign the acknowledgement. There had been no suggestion that witness was to get such share as Featon thought fit – they were to be mates. Prior to the case coming on last Court day, Featon came to witness and asked him to come over to Mr Moresby's and he would hand over his half interest. Mr Moresby asked what they wanted, and witness and Featon said they had come to get witness' half share fixed up. Mr Moresby said John Dickson and John Thorp were "in the ground," and witness replied that they were not in the ground. Witness' housekeeper, who was present, then said they might as well stay outside for all the business they had done. Nothing was done at that time because Mr Moresby raised obstacles. Witness did not know about Thorp and Dickson having any interest in the ground. Featon had never denied that witness had an interest in the ground – the difficulty was to get the interest.

Cross-examined by Mr Moresby, witness said that he could have got others to find the money to take up the ground if Featon had not found the money. He did not have the arrangement with Featon put in writing when it was made because he had always found Featon an honest straight man before, and he had had previous dealings with Featon. Witness was to see the ground pegged. He denied telling Mr Moresby that he could not find the pegs. He told Mr Moresby that there was one peg he could not find, and that the surveyor would have to go out and find it. The following morning, the surveyor, Thorp and Dickson and witness went out to the claims. That day witness put in four pegs, and the surveyor pegged one corner. The surveyor was not sent in because witness could not find the pegs. Fenton had said he would give

¹⁶¹ See index in PapersPast for Moresby in *Ohinemuri Gazette*, and *Auckland Star*, 8 April 1921, p. 5.

¹⁶² See index in PapersPast for Clendon, and Death Certificate of Edwin John Clendon, 1936/23603, BDM.

half the interest he got in the company being formed to the “boys” – witness, Thorp, and Dickson. Mr Moresby had said Featon would transfer the interest provided Thorp and Dickson agreed. One of these claims had formerly been held in the name of witness’ housekeeper,

meaning Hannah Leaming. Charles Colclough, a former legal manager of mining companies who became a mining agent,¹⁶³ then stated that Featon had told him that he and Mackay were ‘equal mates’ in the claims ‘but that it was to be in his (Featon’s) name because he could float the property in Auckland. Featon had told him this more than once’, during the first two or three months of the year.

The next witness, Hannah Leaming, ‘said she was housekeeper for the plaintiff’.

She remembered Featon coming to Mackay’s house and having a conversation about the Saxon claims. Witness was in the next room, but she heard the conversation. Featon said they would divide equally when the thing was fixed up, as they had always been old mates. Later on witness and Mackay and Fenton were in a room in [George] Crosby’s [Royal Mail] hotel,¹⁶⁴ and Featon said some people in Auckland had agreed to take over the ground and “they were standing on velvet.” Mackay asked why he had done anything without consulting him, and Featon said that the ground had to be manned and this was the way to do it. On a later occasion Featon told witness he wished the trouble over the ground was ended, and that he was still willing to give Mackay the interest he had promised. She remembered being in Mr Moresby’s office when Mackay and Featon were also present. Mackay said they had come in to have an agreement drawn up specifying his interest in the Saxon claims. Featon spoke as if he was willing to have this agreement drawn up, but she understood that Mr Moresby objected. Mr Moresby said that if Featon gave half this property he would not have any interest left. The agreement was not drawn up.

Thorp testified to having heard Mackay ask Featon to arrange to transfer ‘half the Saxon claims to him’ and Featon promising to do so as soon as the claims were granted. Dickson’s statement that Featon had told

¹⁶³ See *New Zealand Gazette*, 21 January 1874, p. 41, 18 March 1875, p. 210, 8 April 1875, p. 248, 22 April 1875, p. 290, 23 September 1875, p. 615, 24 December 1879, p. 1760, 19 May 1881, p. 652; *Ohinemuri Gazette*, 30 October 1901, p. 3, 18 October 1909, p. 2.

¹⁶⁴ See *Ohinemuri Gazette*, 7 December 1914, p. 3.

him that Mackay had a share with him in the claims ended the case for Mackay.

Moresby 'submitted that the plaintiff must fail' because Mackay had not shown that Featon 'had received any consideration for the share alleged to be due. He also contended that if there was an agreement it was not enforceable, as there was no agreement in writing, as required by law'. Clendon responded that 'there had been plenty of mining partnership cases in the district, and there had often been no writing, but nobody before had had the temerity to suggest that because of that the agreement was void', and referred to warden to the terms of the Mining Act. After the warden rejected all Moresby's points, Featon gave his evidence:

He first decided to go in for these Saxon claims when he came to Paeroa in February last. As far as he knew he had not seen Mackay about these claims prior to that time. Mackay told him when in Paeroa there was a chance to get the Saxon claims. Witness told Mackay that if there was a reasonable chance of getting the ground he would give Mackay an interest in the company if one was formed. Prior to this witness was told by people in Auckland that if he got a likely piece of ground they would "do something" with it. Witness had never promised to give Mackay any definite interest in the ground. He was certain he had not taken up the ground for himself and Mackay. Witness remembered telling Mackay and Thorp that he hoped the share he would be able to give them in the company would be of some value, and told them they were "standing on velvet." At that time he had given an option over the property for six months. He denied telling Thorp he held half the ground for Mackay, also denied telling Colclough that Mackay owned half the ground. He had offered to give Mackay, Thorp, and Dickson half his (witness') interest in company to be formed. The reason he made this offer was because they were going to show him the pegs, and also where there were some good reefs on the ground. The offer had been refused, so he did not acknowledge the others now.

It had cost him from £60 to £70 to take up the claims, which Mackay had told him were 'worth jumping'. At Moresby's office, what Mackay wanted 'was quite impossible': he had been willing to give the three men half his interest 'in the company to be formed, but because Mackay would not agree to this, the agreement was not drawn up'.

A general agent gave evidence about the discussion in Moresby's office 'when the Saxon claims were mentioned, but nothing particular was said about taking them up. On no occasion when witness was present had

Mackay made a demand for a half share in the ground'. He claimed to have 'an interest in the claims, but could not say exactly what the interest was'.

In giving judgment, the warden 'said there was a great conflict of evidence, and he had to decide which side he was to accept as the truth'. He decided that Mackay had made out his case, largely because of his witnesses. 'He could only come to the conclusion that at first there was an understanding that Mackay and Featon were to be partners, although afterwards Featon changed his mind'. He ordered Featon to transfer half the interest to Mackay and to pay all the costs of the case.¹⁶⁵

One month later, William Thomas Simpson, a tailor at Karangahake who dabbled in mining investments,¹⁶⁶ sought the forfeiture of both claims for non-working. Claiming to have known the ground for about seven years and having been over it four times recently, he described the lack of any recent working. He promised to work the ground immediately with finance provided by others, and, reflecting the collusion often involved in complaints of this nature, insisted he had 'no arrangement with Mackay or Featon'. Clendon admitted that no work had been done because, after the license was granted, an application for protection was lodged but not heard because of Mackay's suit against Featon. Only about a fortnight ago had Featon signed the transfer, and Mackay's wish to have himself registered as an owner was frustrated 'owing to Mr Moresby claiming a lien on the licenses. There had been no want of care or diligence on the part of either Mackay or Featon, and the case would therefore be met with a nominal penalty'.

In confirming Clendon's statement, Mackay explained that 'he had been interested in these claims during the past 15 years. He had driven over a thousand feet on the claims, but that was 15 years ago. The claims had been forfeited on two previous occasions'. He had 'never held any interest in the property so he could raise money to work the ground. He had lost no time in trying to become an owner'.

In answer to the charge that the ground had been tied up for 15 years with very little work being done, Clendon said 'there was no case in which he had been engaged in which the special circumstances were so great as in

¹⁶⁵ *Ohinemuri Gazette*, 10 July 1908, p. 2.

¹⁶⁶ See Marriage Certificate of William Thomas Simpson, 1897/4043, BDM; *Ohinemuri Gazette*, 23 January 1905, p. 3, 23 October 1908, p. 2, 20 November 1908, p. 2, 7 December 1908, p. 2, 16 December 1908, p. 2; *Pukekohe and Waiuku Times*, 21 May 1915, p. 3; *New Zealand Herald*, 8 May 1931, p. 10; Death Certificate of William Thomas Simpson, 1936/23073, BDM.

this case. In the circumstances, if Mackay were deprived of his interest in the claims, it would be extremely hard. It had been shown that Featon, the only man who could deal with the claims, had been diligent in endeavouring to work' them, and sought a fine in lieu of forfeiture. The warden agreed: 'Mackay had been unable to obtain the position of legal owner, and could do nothing, and it would therefore be an extreme hardship to forfeit the claims', instead imposing a fine of 40s.

Immediately after this case was resolved, another attempt by Simpson to obtain forfeiture was heard. This time he argued that 'the claims have been obtained by fraudulent misrepresentation, inasmuch as the declaration stated that the claims had been pegged and that the proper notices had been posted on the ground, whereas this had not been done'. After Mackay explained that the surveyor had pegged out the claim except for five pegs put in by himself and Dickson, the case was dismissed.¹⁶⁷

Mackay bought and sold shares in both claims until they were forfeited in June 1912.¹⁶⁸ In 1914 another miner acquired the ground and renamed it the Jewel Nos. 1 and 2, and another man was the owner in 1916.¹⁶⁹ On his death in 1918, it was reported that 'in the early days he saw many reverses on the goldfields, but pinned his faith even to the last to a piece of ground at Karangahake known as Saxon No. 2, and held interests in this ground when he died',¹⁷⁰ which was true, for although he was no longer listed as an owner of the ground the only mining interests he passed on to his children were 20 promoter's shares in Jewel Nos. 1 and 2.¹⁷¹

OTHER OHINEMURI MINING IN THE EARLY TWENTIETH CENTURY

On the same day in 1908 that Mackay had to rebuff the attempt to have his Saxon claims forfeited for non-working, two miners applied for the forfeiture (on the same grounds) of the Incognita, at Maratoto, held by Mackay and others. Granted to them on 19 June 1907, 'the only work done

¹⁶⁷ *Ohinemuri Gazette*, 21 August 1908, p. 3.

¹⁶⁸ Paeroa Warden's Court, Register of Licensed Holdings and Special Claims 1905-1909, folios 222-223, ZAAP 13294/6a, ANZ-A.

¹⁶⁹ Warden's Court, *Ohinemuri Gazette*, 22 March 1914, p. 3, 19 June 1914, p. 4, 13 October 1916, p. 2.

¹⁷⁰ *Ohinemuri Gazette*, 4 October 1918, p. 2.

¹⁷¹ Probates, BBAE 1569/13313, ANZ-A.

had been out of a grant' for driving provided by the county council, 'and that was several months ago'. No work had been done for the past three months. A mining agent deposed that a syndicate 'took a month's option over the property on condition that certain work was done by the licensees, but the work had not been done'. On his last visit he saw 'less than one day's work' in the low level. In response, Mackay and others outlined the work they had done prior to the last three months. As approximately £800 had been spent, the warden felt it would be 'harsh' to forfeit the claim, imposing a fine of £15 instead.¹⁷² Two years later, the warden had to consider claims against the partnership in this claim by A.J. Thorp, Dickson, and Mackay, who sought 'about £500', but failed because his claim turned out to be lodged against an earlier partnership, not the current one; he had sold four of his shares about two years previously. Dickson had done whatever work was done in the mine, under Thorp's instructions, with no indication that Mackay had done any work since 1908.¹⁷³

By 1905 Mackay described himself as a prospector.¹⁷⁴ On at least one occasion, in 1909, he was rather too casual about the formalities, for when giving evidence about one application he stated 'that he had put in the pegs at the various angles and cut the lock spits. The Warden pointed out that the application had been adjourned from the previous Court day for proof of the marking out, and he was quite satisfied now from the applicant's own evidence that he had not pegged out the claim properly until after the application was put in'. As the Act required the ground to be properly marked out, his application was struck out.¹⁷⁵

When prospecting or mining became unprofitable, Mackay had to seek other work, as when in 1900 he had a 'painful accident' at Karangahake. 'He was employed on the railway works' there, presumably helping to drive the tunnel for the new line to Waihi, when 'he was struck on the hand by a falling piece of rock. One of the bones of the right hand was badly broken'.¹⁷⁶ Although still living at Paeroa, he also had a whare at Karangahake, from which some mining tools were stolen in June 1904.¹⁷⁷

¹⁷² *Ohinemuri Gazette*, 21 August 1908, p. 2.

¹⁷³ *Ohinemuri Gazette*, 18 November 1910, p. 2.

¹⁷⁴ Maori War Index, MW 1808, Army Department, AD 32, ANZ-W.

¹⁷⁵ *Ohinemuri Gazette*, 3 September 1909, p. 2.

¹⁷⁶ *New Zealand Herald*, 3 May 1900, p. 4.

¹⁷⁷ *New Zealand Police Gazette*, 27 July 1904, p. 216.

His Paeroa house, in Junction Road, was sold in September that year;¹⁷⁸ because of its situation it had ‘flooded twice as the mining tailings grew in the river’.¹⁷⁹ After its sale he retained another dwelling there until at least mid-1908.¹⁸⁰

‘MINING PARTNERSHIP: “THE MACKAY REEF:” STRONG
REMARKS BY THE WARDEN: “A SCANDALOUS THING.”

These were the headlines of a 1910 newspaper report about the Joseph Chamberlain mine.¹⁸¹ This claim, of 100 acres between Owharoa and Waitekauri but closest to the latter, was granted to J.W. Thorp in November 1906.¹⁸² In January and November 1907 he was granted protection, for six months in each case, and in May 1908 received permission to work it with four men or three months.¹⁸³ At the latter hearing, Mackay stated: ‘I’m driving for a 14 feet reef that contains the best gold in the Ohinemuri district’, prompting ‘a general smile in the Court; many of those present had heard of a great many claims with “the best reefs in the district”’. He was told that the latest period of protection might be extended if good progress was made.¹⁸⁴

In December 1909, this ground was granted to Mackay and Albert Edward Burcher;¹⁸⁵ Burcher was a mining agent and secretary and director of mining companies.¹⁸⁶ In the following July, they were granted one month’s protection,¹⁸⁷ but later that month Burcher and his wife Catherine

¹⁷⁸ Advertisement, *Ohinemuri Gazette*, 21 September 1904, p. 3.

¹⁷⁹ Michele Scott to Philip Hart, 7 July 2016, email.

¹⁸⁰ *Ohinemuri Gazette*, 10 July 1908, p. 2.

¹⁸¹ *Ohinemuri Gazette*, 5 August 1910, p. 3.

¹⁸² *Ohinemuri Gazette*, Warden’s Court, 23 November 1906, p. 2, 22 July 1910, p. 3.

¹⁸³ Warden’s Court, *Ohinemuri Gazette*, 25 January 1907, p. 2, 6 November 1907, p. 2, 8 May 1908, p. 2.

¹⁸⁴ *Ohinemuri Gazette*, 8 May 1908, p. 2.

¹⁸⁵ Warden’s Court, *Ohinemuri Gazette*, 3 December 1909, p. 2.

¹⁸⁶ See *Auckland Star*, advertisement, 23 January 1907, p. 2, 11 July 1907, p. 2; advertisement, *Ohinemuri Gazette*, 23 August 1909, p. 3; *New Zealand Herald*, 12 October 1911, p. 6; advertisement, *Thames Star*, 5 June 1918, p. 1; Death Certificate of Albert Edward Burcher, 1924/8652, BDM.

¹⁸⁷ Warden’s Court, *Ohinemuri Gazette*, 8 July 1910, p. 2.

sued Mackay and James Gartside Culpan, a land agent,¹⁸⁸ to dissolve their partnership. (As Culpan 'did not take any part in the action',¹⁸⁹ Mackay alone appeared in court.) Counsel for the plaintiffs set out their case:

Burcher found the cash for taking up the ground. After the license was granted there came the question of working the claim. Mackay had made a report on the claim, stating that it contained rich reefs, and he further made a statutory declaration that the report was correct. Mackay did not work in unison with the other partners, and, although he was asked to show the reefs mentioned in the report, he had not done so. Numerous promises had been made by Mackay that he would point out the reefs, but none of these promises had been carried out. From Mackay's behaviour it was apparent that the partnership could not continue. The plaintiffs were willing to go out of the claim if they received the amount of money it had cost them. On the other hand, they were willing for the claim to be sold and accounts taken between the parties. On the 7th December last Mackay had represented to Mrs Burcher that if he did not get some money the interests in the claim would be lost, and so as to save the claim Mrs Burcher found £62 10s for an eighth share in the claim, Mackay representing that their fortunes were made if they kept hold of the claim. He submitted that Mrs Burcher was entitled to recover the sum she had paid owing to Mackay's representations.

Clendon, once again representing Mackay, said 'his client had no objection to a dissolution of partnership, but Mr Mackay had disposed of one or two interests in the claim. They objected, however, to the charge of misrepresentations'. The plaintiff's first witness, William Edward Cayley-Alexander, a mining engineer,¹⁹⁰ gave damning evidence:

He said that he found about two chains of trenching on the claim, and a few boulders had been broken. That was all the work that had been done, and there was not a sign of a reef on the property. He produced samples of pieces of the boulders on the claim. That was all the quartz he could find on the claim. He considered that the boulders originally came down the Scotia Creek on to the

¹⁸⁸ See advertisement, *Observer*, 1 October 1892, p. 17; *Evening Post*, 30 May 1914, p. 6; *New Zealand Herald*, 19 June 1916, p. 7.

¹⁸⁹ *Ohinemuri Gazette*, 5 August 1910, p. 3.

¹⁹⁰ See details of his wartime service with the Tunnelling Corps, World War 1, 4/1324, Archives Online, ANZ-W; *New Zealand Herald*, 7 November 1907, p. 3; *Ohinemuri Gazette*, 8 June 1908, p. 2, 4 February 1910, p. 2; *Manawatu Standard*, 1 April 1913, p. 2.

claim. The subsoil of the claim was pumice country and he thought it more suitable for growing potatoes than for reefs. In only one portion of the claim, where the Mangakara and Scotia Creeks joined, there was good sandstone country. A drive in that part of the claim might discover any reef there might be, but he would not recommend this being done. He could not conscientiously report favourably on the claim. Witness had heard Mackay say in Burcher's office that gold as big as penny pieces had been got on the claim.

Questioned, he admitted having taken only 'about three-and-a-half hours examining the property'. A miner then 'gave similar evidence', but in answer to Clendon 'was not prepared to say there were not three reefs on the claim'. Burcher was the next to give evidence:

In July last he was approached by Mackay regarding the taking up of the Joseph Chamberlain claim. Mackay said there were three reefs on the claim – the Welcome, the Young New Zealand, and the Mackay reefs. He seemed to think most about the Mackay reef. The arrangement about taking up the ground was that witness was to find the money and Mackay was to see about the pegging out of the claim, surveying, etc. Mackay gave a report on the claim, and it was on the strength of that report that witness agreed to go in for the claim, which was granted on December 2nd. Witness was to be secretary to the company. A few days after, Mackay came to witness and said he must have some money to pay wages with, or they would lose the claim. Witness' wife agreed to pay £62 10s for a quarter share in the claim – an eighth from witness and an eighth from Mackay. Later on Mr Culpan put £25 into the syndicate. When the deed of partnership was signed they were a "happy family," but later on there was discord owing to rumours that there were no reefs on the claim. Mackay was asked several times to point out the reefs to Mr Jones, an expert from Sydney, but he had failed to meet that gentleman. Mackay was asked to forward samples of ore from the alleged wonderful Mackay reef, but he had not done so. If Mackay could point out the reef there were people who were willing to put up £2000 to work the ground. Witness would be glad to get out of the scheme.

Cross-examined by Mr Clendon, witness said the claim had cost him about £25. He had not paid any amounts for wages, nor had he employed any men to work the claim. Mackay said he would see about employing the men on the claim. Witness and Mackay sold a quarter share to Culpan for £25, of which witness got £25, and Mackay £10. Witness' son gave Mackay £10 to go south, but apparently Mackay did not go south as he was found at Te Aroha.

A law clerk next gave evidence that on 7 July ‘he gave Mackay a letter from Mr Jones, asking Mackay to make an appointment to visit the Joseph Chamberlain claim and point out the reefs. Mackay said to “tell him he had no time for him, and he had done with him”’. Catherine Burcher stated that during last year

Mackay told her there were three reefs in the claim, and in one of them was gold as big as penny pieces. She also saw a report on the claim by Mackay, and these things influenced her to buy a share in the claim. Afterwards Mr Culpan bought a share, and the four of them were equal owners of the claim. Mackay told witness the people were flocking up and down Queen Street [in Auckland] after him to buy shares, and that he had made their fortunes for them. According to the agreement between the partners, there were to be five shares to be sold first for the purpose of raising money to open up the reefs. They had a man who was willing to buy an interest, but he wanted to see some of the stone and to know more particulars about the claim. Witness asked Mackay “about forty times” to bring some of the reefs to town [Auckland], but he failed to do so. Mr Alexander was asked to report on the claim, and if he reported favourably he was to get a big commission, but Mr Alexander said he could not conscientiously report favourably. Mackay told witness he would not show the reefs to anybody, but on another occasion he told Mr Jones he would be pleased to meet him at any time and point out the reefs, particularly the Mackay reef. Appointments were made for Mackay to meet Jones at Paeroa, but Mackay failed to put in an appearance. Up to the present they had not been able to get Mackay to point out the reef.

Cross-examined, she said that, ‘having heard so much about the rich Mackay reef, she thought she would like to have a share in it. It was some months before she purchased that she saw Mackay’s report’.

The next witness was a prominent Ohinemuri prospector and miner, Thomas McDonough.¹⁹¹ Employed by Mackay and Burcher, he had worked on the claim from 20 December to 27 March. ‘There were wages due, and he

¹⁹¹ See *Thames Advertiser*, Warden’s Court, 26 November 1881, p. 3, Warden’s Court, 2 May 1882, p. 3, 29 August 1885, p. 2, 6 April 1888, p. 2, 25 October 1892, p. 2, letter from ‘Old Miner’, 27 May 1893, p. 2; *Te Aroha News*, 25 April 1888, p. 2, 30 June 1888, p. 2; *Ohinemuri Gazette*, 8 September 1897, p. 3, 1 December 1897, p. 3, 30 April 1898, p. 2, 4 March 1904, p. 2, 15 April 1904, p. 2;

wrote to Mackay, asking if he was going to be paid. He received no reply to the letter, and he did not go back to the claim’.

Witness was doing surface work on the claim wherever he thought it most likely to get gold-bearing quartz. He found some loose quartz, and located a place where he thought it advisable to put in a surface drive ... to see if they could cut a reef. He did not see any reef outcropping. There were some old shafts on the property. Witness had had an interest in this claim four or five years ago, when some surface prospecting was done. They found some gold-bearing boulders and some loose gold in the creek. Witness did not know of any defined reef on the property. A good portion of the property was used by a man named Farrelly for pastoral purposes, and he was running Angora goats on it. Witness gave Mackay a list of the tools he required, but the tools were not forthcoming. Mackay did not tell witness there were three reefs on the claim.

Cross-examined by Mr Clendon, witness said he was not prepared to contradict Mackay’s statement that there were three reefs on the ground. The boulders on the ground were, in witness’ opinion, shed from a reef.

As McDonough’s evidence concluded the case for the plaintiffs, Clendon sought a non-suit, adding that Mackay was ‘quite willing to have a dissolution of partnership’. But the £62 10s sought ‘was not within the jurisdiction of’ the warden. He ‘contended that it had not been proved that Mackay’s statements were false. The representations made by Mackay were made in Auckland, which place was beyond the jurisdiction of the Court’. As for Alexander, his inspection ‘took only three hours, and then had the effrontery to come to the Court and condemn the property as worthless’. McDonough ‘would not say that Mr Mackay’s statement about the three reefs was false’; and, lastly, the ‘plaintiffs had lost their right to a remedy because of their delay in bringing the action’.

In reply, counsel for the plaintiffs stressed that ‘attempts had been made since April to get Mackay to show the reefs. Mr and Mrs Burcher were willing to give Mackay the benefit of the doubt if he could satisfy them. It was not until the 8th June that Mackay refused to show the reefs, so that no time had been lost in bringing the action’. As ‘there was no doubt the parties could not carry on together’, their partnership should be dissolved.

Clendon had the last say: 'He would rest his case on the points submitted, and would not call any evidence'.¹⁹²

When giving judgment, at the next court sitting, the warden said he had no jurisdiction to hear Mrs Burcher's application to have the £62 10s returned to her. When the warden asked if Mackay had anything to say, Clendon said he did not wish to speak. 'He consented to a dissolution of partnership so he had not evidence to offer'.

The Warden said that grounds had been shown for a dissolution of partnership. He considered that Mackay's conduct had been most reprehensible. He thought that Mackay had circulated a report on the mine that he knew to be grossly untrue. Mackay had stated that the Young New Zealand and Welcome reefs ran through this ground, but it was a physical impossibility that they should be there. The statement by Mackay that he had traced the Mackay reef through the property was also untrue, and he (the Warden) was satisfied from McDonough's evidence that the reef was not there. The conduct of Mackay towards the other partners was not what it should have been, as he should have given them all the information he had about the property. Mackay must have known that his report on the mine was false, and he was therefore afraid to meet the parties on the ground. That a man should go about selling shares on the strength of a report he must have known was grossly untrue was a scandalous thing.

He ordered the partnership dissolved, with Mackay paying the costs of the action, as 'it would not be fair for Culpin to pay anything, as he was brought into the matter unwillingly'.¹⁹³ Because Mrs Burcher could not both retain her interest and 'have its value too', he could not order Mackay to return her £62 10s.¹⁹⁴ As a consequence of this case, for the only time in his life Mackay attained national prominence, the Press Association reporting the warden's strictures to newspapers throughout the country.¹⁹⁵ Despite the warden's scathing criticisms and the fact that the reefs studded with nuggets as big as pennies, Mackay continued to portray himself as an expert and to seek mineral wealth where none was to be found, as he did in Northland in the following year.

¹⁹² *Ohinemuri Gazette*, 22 July 1910, p. 3.

¹⁹³ *Ohinemuri Gazette*, 5 August 1910, p. 3.

¹⁹⁴ *Ohinemuri Gazette*, 9 September 1910, p. 3.

¹⁹⁵ In 22 newspapers in the Papers Past index as of August 2016; more will be traced when more are indexed.

PUHIPUHI

At the beginning of November 1911, Hugh C. Gilmer, H.C. Gilmer (presumably the same person), and Robert Gilmer were each granted a 100-acre prospecting license at Puhipuhi, near Whangarei.¹⁹⁶ Robert and his son Hugh were Wellington investors, and Robert had once been ‘a prominent figure on the West Coast of the South Island’.¹⁹⁷ On 1 December ‘Alex Mackay, Mining Expert’, in responding to a reported assay of the silver taken from several mines, wrote to the press claiming to have been on the field in its early days (at the end of the 1880s and early 1890s).

I ... had assays from many of the mines, which assays turned out well. At that time a quantity of stone was bagged up, about four tons, and sent to George Fraser [of the Phoenix Foundry, Auckland],¹⁹⁸ to be treated. After it was treated I called and saw bars extracted from the silver, which Mr Fraser told me he had turned out over-payable. As far as I recollect this stone was taken from the Waipu mine. Lately I have pegged off seven hundred acres in the “Puhipuhi” for a Napier syndicate. It takes in the principal part of all the old mines. From this ground a quantity of samples have been taken to the amount of half a ton, and sent to Cockle’s Creek, Newcastle [New South Wales] ... for treatment. For these last few months I have been on this country myself and have discovered it to be one of the richest countries in this hemisphere for minerals. Firstly there is iron ore of the best quality, secondly there is cinnabar, thirdly there is antimony, and lastly silver. Not very far away, in the same country, there is oil, which I believe, if bored for, is in payable quantities. It is a great pity to see such a country as this lying dormant. I should advise the people of Whangarei to apply to the Government for a subsidy to open it up. I am using my energies in this matter already. All the payable mines in the Ohinemuri district were discovered by me.... I believe that if this country were properly handled and developed, it would become one of the most payable in New Zealand. I have taken up a hundred acres myself, on the line of the Mercury.¹⁹⁹

¹⁹⁶ *Northern Advocate*, 2 November 1911, p. 4.

¹⁹⁷ *Northern Advocate*, 17 January 1912, p. 4; *New Zealand Herald*, 4 February 1932, p. 12.

¹⁹⁸ See paper on Peter Ferguson and his New Era.

¹⁹⁹ Letter from Alex Mackay, *Northern Advocate*, 1 December 1911, p. 3 [thanks to Michele Scott for pointing out this letter].

Robert Gilmer responded to his 'rather interesting letter' four days later because Mackay's

experience as an expert and prospector of over 50 years undoubtedly entitles his opinion to the greatest of respect. There is no doubt his knowledge has enabled him to grasp the geology of such a field as Puhipuhi more rapidly than the ordinary miner. For some considerable time past I have interested myself in the above-named mining area, and it was I who first engaged Mr Mackay to mark out areas for a Napier syndicate associated with me (but unknown to him). Since commencing operations development work carried on has proved encouraging, and, with the latest improved methods of treating the ore, there is every legitimate indication of the field becoming a rich one. However, it is not desirable to inflate matters, but to "hasten slowly."²⁰⁰

Mackay's application for a prospecting license over the former Kiwi ground was granted in the middle of the same month.²⁰¹ In January 1912, when Robert Gilmer and others of his party inspected their cinnabar property, they forecast that a company would be formed in the near future.²⁰² In September 1913 Mackay was granted another 100-acre prospecting license';²⁰³ but no more was heard about his efforts to develop the minerals he had praised so highly.

SEEKING A REWARD FOR FINDING GOLD

In 1894, in seeking a financial reward from the government, Mackay made the first of many exaggerated claims to have found gold; probably his bankruptcy in the previous year was relevant.²⁰⁴ A long, and semi-literate, letter to the Minister of Mines, Alfred Jerome Cadman, justified his request:

I have been in this district since 1866 when I found the first Gold in "Waihi" afterwards Karanghaki where I was granted the prospectors claim for "Ohimemuria." At the same time I had the gold found at Waitakuri and Owharoa but did not open Owharoa untill the forthcoming year 1876 having prospecting the district

²⁰⁰ Letter from Robert Gilmer, *Northern Advocate*, 5 December 1911, p. 3.

²⁰¹ Warden's Court, *Northern Advocate*, 19 December 1911, p. 5.

²⁰² *Northern Advocate*, 17 January 1912, p. 4.

²⁰³ *Northern Advocate*, 16 September 1913, p. 4.

²⁰⁴ *New Zealand Gazette*, 8 March 1893, p. 316.

for 10 years, and subjected to great hardships and risk of life, in fact I was fired at twice by natives. I was the means of stoping two bogas companies from being floated by the Paeroa people, which would have ruined the district and through having these people against me my family was entirely broke up.... The great sacrifice of time and ill health through exposure and what not in the early days has thrown me a little behind and as all my children six in number are in the orphans home which coast me one pound a week money that must be payed and as I have spent so much time in the interest of the country I think in all fairness something ought to be done.²⁰⁵

In contrast to his 1875 claim to have found gold in Ohinemuri in 1868, he now dated his discovery of a payable goldfield as two years previously, but his claim was challenged immediately. Another pioneer prospector, James Smyth (also known as Smith),²⁰⁶ asked Cadman to ‘see fair play done to all parties’ because Mackay was not the pioneer. Smyth stated that he and his mate, Michael Coleman,²⁰⁷ were the first to find gold at Karangahake, in 1872, and had reported their find to John Williamson, then Superintendent of the Auckland Province.²⁰⁸ Like Mackay, Smyth was inaccurate in his dates: Williamson was not then Superintendent, and Smyth and Coleman had reported their finds of both gold and coal in 1874.²⁰⁹ When Ohinemuri was opened in 1875 and James Mackay asked whether anyone had a prior right over Smyth to the prospectors’ claim, ‘no one’, including Mackay, replied.²¹⁰ The warden, Harry Eyre Kenny, citing the Thorp brothers, reported that in September 1869 there were only four

²⁰⁵ Alexander Mackay to A.J. Cadman, 29 June 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W.

²⁰⁶ See *Thames Advertiser*, 15 March 1875, p. 3; letter from James Smyth to Warden, printed in *Thames Advertiser*, 16 March 1875, p. 3; *Thames Star*, 12 August 1913, p. 4; *Observer*, 19 July 1929, p. 21.

²⁰⁷ See *Thames Advertiser*, 15 March 1875, p. 3, 16 March 1875, p. 3; *Thames Star*, 16 August 1890, p. 2.

²⁰⁸ James Smyth to A.J. Cadman, 4 August 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W.

²⁰⁹ James Smyth to Superintendent, 8 January 1874, Auckland Provincial Government Papers, ACFM 8180, 906/75; James Smyth and Michael Coleman to Superintendent, 5 October 1874, Auckland Provincial Government Papers, ACFM 8180, 3755/74, ANZ-A.

²¹⁰ James Smyth to A.J. Cadman, 4 August 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W.

prospectors still in Ohinemuri, one being Mackay, who found ‘good prospects’ at Karangahake, Waitekauri, Owaharoa, and Waihi. Mackay told Kenny he had applied for a reward in 1866,²¹¹ an application that has not been traced. James Mackay, after clarifying that they were not related, confirmed that Mackay had indeed found gold at Karangahake. ‘He being an illiterate man, has however mixed up the facts in a peculiar manner, the Thames Gold Field was not opened up in 1866, but I remember that in February 1869 he did make an applications for a prospectors license, and showed me some stone which he said he had procured at Karangahake’. Some years later, when Mackay asked Sir Donald McLean, the Native Minister, for a bonus, he was told to write to the government.²¹² After taking evidence from a former warden, William Fraser,²¹³ Mackay’s petition was ignored.²¹⁴

Mackay continued to claim to have found gold in 1866, even though there were no prospectors in Hauraki then and there was no evidence of his having been at Thames until mid-April 1868. In 1895, he petitioned parliament claiming to have discovered payable gold in 1866 at Owaharoa, Waihi, and Waitekauri. ‘Having given careful consideration’, the Goldfields Committee did not support his petition.²¹⁵ In 1899, he claimed to have discovered gold at Waihi and Karangahake, and once again was ignored.²¹⁶ Perhaps frustration at failing to obtain any reward prompted his letter to the Auckland evening newspaper in that May:

In yesterday’s edition of the “Star” you give a half-column account of the presentation to the president and secretary of the recent Auckland Exhibition. How nice! What a great success they made of the so-called Auckland Industrial and Mining Exhibition! Was it, dear Editor, the public or the president and secretary that

²¹¹ H. Eyre Kenny to Under-Secretary, Mines Department, 10 August 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W.

²¹² Memorandum by James Mackay, 3 August 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W.

²¹³ See paper on Harry Kenrick.

²¹⁴ Minutes of Meeting of 30 August 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W; ‘Goldfields and Mines Committee’, *AJHR*, 1894, I-4, p. 2.

²¹⁵ ‘Reports of Public Petitions M to Z Committee’, *AJHR*, 1895, I-2, p. 8; ‘Goldfields and Mines Committee’, *AJHR*, 1895, I-4, p. 2.

²¹⁶ ‘Goldfields and Mines Committee’, *AJHR*, 1899, I-4, p. 3.

made the show a success? In the year 1857 I first saw Auckland; it was then a town of huts. No bespangled swells wearing a long-sleeve hat [top hat]²¹⁷ and heavy watch-chain were then to be seen stalking down Queen-street, watching for their prey. The people were all hard workers and pioneers. But what a change in this year of our Lord, 1899. Who made this town – the above gentry, or our old-fashioned pioneers who risked their lives to find something to make this town the town or city that it is? The general public do not recognise these men; very few of them are left in this life. A few of them may be seen any day parading up and down Queen-street, poorly clad, dejected and broken up in body and soul. In one or two exceptions those who have kept their health, hold their heads up still. I myself have been through many trials, and after discovering and opening up one of the finest mines in the world and obtaining almost nothing from the millions which have been won from that mine – the Waihi – I have discovered and am now opening up a more wonderful country at Rotokohu, a second Mount Morgan [his Saxon claims]. We are the men that the Auckland public should present addresses and silver tea services to (although I don't know whatever we would do with them), not the men who stay in feather beds, and touch the buttons for their breakfast and shaving water.²¹⁸

In the following year he claimed to have found gold at Karangahake, Waitekauri, Owaharoa, and Te Aroha, without giving dates; once more his petition was unsuccessful.²¹⁹ When he again petitioned for a reward in 1901, he claimed that in 1866, having been granted permission by Maori to prospect Ohinemuri, he had found gold on the Martha and Rosemont hills at Waihi. He then discovered gold at Karangahake and Waitekauri in 1867 and at Owaharoa and Te Aroha two years later, and, in another example of his confused chronology, in 1875 he had floated a company to work the Martha and Rosemont discoveries and 'the present Waihi company derives its title from this company'. He had been 'instrumental in opening up nearly all the payable ground in the Ohinemuri district, but not having the command of sufficient capital has been unable to develop his discoveries'.²²⁰

²¹⁷ Partridge, p. 697.

²¹⁸ Letter from Alex. Mackay, *Auckland Star*, 29 May 1899, p. 2.

²¹⁹ 'Report of Public Petitions M to Z Committee', *AJHR*, 1900, I-2, p. 3; 'Goldfields and Mines Committee', *AJHR*, 1900, I-4, p. 2.

²²⁰ Petition of Alexander Mackay, Petitions, Legislative Department, LE 1, 1901/1, ANZ-W; *Thames Star*, 19 July 1901, p. 4.

These claims attracted attention,²²¹ not all of it positive. For instance, Billy Nicholl, the real discoverer of the Martha lode, named after his niece,²²² no doubt offended by his claim to have found this (Mackay never explained why he chose the name Martha), was dismissive: 'I have known Alick a long time, and I have never known him to pan gold out of anything else but wind'.²²³ Once more his petition was rebuffed.²²⁴

His 1903 and 1904 petitions varied in some of the details, but obtained the same results. He claimed to have found gold at Waihi in 1866, at Karangahake in 1867, and at Waitekauri in 1868, and to have floated 'the original company on the Thames leading to the opening-up of the Ohinemuri district'.²²⁵ In 1903 he claimed that the government 'during these periods guaranteed my reward as soon as the localities proved payable', and referred the committee to John Thorp, James Mackay, 'and also a Native Witness as to my identity and as to the facts'.²²⁶ Two years later he restricted himself to having discovered gold in Waihi and Karangahake in 1866 and 1867.²²⁷ The following year, he added Owharoa to these discoveries.²²⁸ In 1907, Karangahake was the only Ohinemuri district where he claimed to have found gold, but now he claimed to have found it at Thames.²²⁹ In 1908, he again claimed to have found at Waihi, Karangahake, Waitekauri, and Owharoa.²³⁰

Repeating these claims brought no more success between 1909 and 1915.²³¹ In 1911, he claimed 'that he discovered gold in 1867 on the ground now owned by the Waihi Goldmining Company, and floated the original company on the Thames. After the opening of Ohinemuri to gold mining in

²²¹ *Ohinemuri Gazette*, 19 July 1901, p. 2, *Observer*, 20 July 1901, p. 20.

²²² See paper on his life.

²²³ Letter from W.S.C. Nicholl, *Ohinemuri Gazette*, 24 July 1901, p. 2.

²²⁴ 'Goldfields and Mines Committee', *AJHR*, 1901, I-4, pp. 1, 7.

²²⁵ 'Goldfields and Mines Committee', *AJHR*, 1903, I-4, p. 2; 1904, I-4, p. 2.

²²⁶ Petition of Alexander Mackay, Goldfields Committee, Legislative Department, LE 1, 1903/3, ANZ-W.

²²⁷ 'Goldfields and Mines Committee', *AJHR*, 1905, I-4, p. 3.

²²⁸ 'Goldfields and Mines Committee', *AJHR*, 1906, I-4, p. 1.

²²⁹ 'Goldfields and Mines Committee', *AJHR*, 1907, I-4, p. 2.

²³⁰ 'Goldfields and Mines Committee', *AJHR*, 1908, I-4, p. 3.

²³¹ 'Goldfields and Mines Committee', *AJHR*, 1909, Session 2, I-4, p. 2; 1911, I-4, p. 5; 1912, I-4, p. 2; 1913, I-4, pp. 1, 2; 1914, I-4, p. 2; 1915, I-4, p. 1; Goldfields Committee, Legislative Department, LE 1, 1915/4, ANZ-W.

1867', correctly 1875, 'he discovered gold at Karangahake, and in the following year at Waitekauri and Owharoa'. He repeated his claim that the government had 'guaranteed he would be rewarded as soon as the localities proved payable'.²³² In a letter to a newspaper in December 1911, Mackay, as a self-designated 'Mining Expert', stated that 'all the payable mines in the Ohinemuri district were discovered by me, for the reward for which I still petition the Government'.²³³ In 1912, Puru was added to his list of discoveries, and the Thames 'district' in 1915.²³⁴

When the goldfields committee once again declined to recommend a reward in 1913, its chairman 'said that it was felt to be useless to try to find where Mr Mackay has found gold at that early period. There was no doubt that he had found gold, but in finding it he had done well for himself. He had occupied a good position, although he did not do so now. The facts were too far away' for the committee to change its stance.²³⁵ His last petition was submitted in 1916, when he repeated his claims of having found gold at Waihi in 1866, at Karangahake in 1867, and at Waitekauri and Owharoa in the following year, and to having floated the original Ohinemuri company. He claimed that 'at that time' the government had promised him the reward once these areas had been proved to be payable, and his accompanying letter gave additional reasons why he should receive it:

I have lost my health through my heavy work in opening and prospecting that Country – and also brought a good bit of money into the Country myself, which was all expended on that work – and Millions of money has [been] won from this ground from my work, which I am suffering from today.²³⁶

The Under-Secretary for Mines was unmoved, pointing out to the goldfields committee that his earlier petitions had been ignored and that the Mining Act of 1908 laid down that no reward could be granted unless a claim to have discovered a new goldfield was made within five years of the

²³² *New Zealand Herald*, 11 October 1911, p. 8.

²³³ Letter from Alex Mackay, *Northern Advocate*, 1 December 1911, p. 3.

²³⁴ 'Goldfields and Mines Committee', *AJHR*, 1912, I-4, p. 2; 1915, I-4, p. 1.

²³⁵ *New Zealand Herald*, 6 September 1913, p. 9.

²³⁶ Alexander Mackay to Chairman, Goldfields Committee, 1 July 1916, Goldfields and Mines Minute Book, Legislative Department, LE 1, 1916/3, ANZ-W.

find.²³⁷ But by now the politicians were more sympathetic, recommending that the government give ‘favourable consideration’ for his granting him a ‘compassionate allowance’ for having been ‘the first discoverer of gold at Waihi’.²³⁸ Their change of attitude must have been because, since the previous September, he had been receiving 12s 6d each week for having miners’ phthisis.²³⁹ There is no record of the government agreeing to pay the ‘compassionate allowance’.

FINANCIAL STRUGGLES

Mackay’s constant petitions for a reward for finding gold were an indication that his mining was not profitable, and one descendant described him as ‘always out of cash’.²⁴⁰ As an indication of his financial problems, periodically he was sued for debts owing. In 1876, for example, he was sued by a Maori for £20, being timber and goods supplied, and ordered to pay £13 16s. Another man successfully sued for the £2 15 he had lent Mackay.²⁴¹ On occasions he had to take labouring jobs, as for instance in 1877, when he tendered to clear the road between Mackaytown and Owharoa.²⁴² During 1892, when living at Paeroa, he worked on the construction of the railway line to Thames.²⁴³ Winter brought difficulties: ‘The railway works are all under water. No. 10 section is now known as the submerged tenth. This is A. Mackay’s section’.²⁴⁴ Eight year later, when working at Karangahake on the new line to Waihi, a falling rock broke one of the bones in his right hand badly,²⁴⁵ preventing his earning money for a time.

²³⁷ Under-Secretary, Mines Department, to Clerk, Goldfields and Mines Committee, 21 July 1916, Goldfields and Mines Minute Book, Legislative Department, LE 1, 1916/3, ANZ-W.

²³⁸ ‘Goldfields and Mines Committee’, *AJHR*, 1916, I-4, p. 1; *Auckland Star*, 7 August 1916, p. 4.

²³⁹ ‘Return of Men who have received Compensation on account of Miners Phthisis from the Parliamentary Vote’, Mines Department, MD 1, 7/11, Part 1, ANZ-W.

²⁴⁰ Michele Scott to Philip Hart, 8 July 2016, email.

²⁴¹ Magistrate’s Court, *Thames Advertiser*, 19 February 1876, p. 3.

²⁴² *Thames Advertiser*, 19 September 1877, p. 3.

²⁴³ *Ohinemuri Gazette*, 16 April 1892, p. 5; Paeroa Magistrate’s Court, Notes of Evidence 1884-1892, entry for 14 October 1892, ZAAP 13790/1a, ANZ-A.

²⁴⁴ *Ohinemuri Gazette*, 23 July 1892, p. 4.

²⁴⁵ *Auckland Weekly News*, 4 May 1900, p. 28.

After Mackay failed to pay a debt to a Hamilton butchery, a judgment summons taken out against him in January 1880 required him to pay the £6 13s 4d off in monthly instalments of 30s, in default one month's imprisonment;²⁴⁶ he paid. In 1881, when sued for board and lodging amounting to £6 12s 6d, he was found to have no assets that could be sold to meet this debt, which, increased to £7 18s through court fees, was not paid until after further court action in 1888.²⁴⁷ Also in 1881, he had to be sued twice to force him to pay the £2 owing to the midwife who attended the birth of one of his children.²⁴⁸ He was taken to court in July that year to obtain £3 1s,²⁴⁹ and in November owed Peter Norbury's wife Mary, who ran their grocery store, a 'large sum'.²⁵⁰ He was sued by three people for a total of £21 13s 2d in 1882.²⁵¹ In 1884, a merchant seeking £24 4s 6d was unsuccessful because he had no assets, and when the suit was renewed over two years later only one shilling was paid.²⁵² His financial circumstances had clearly improved by 1888, when he immediately paid £7 15s he had owed for two years to another creditor.²⁵³

At the beginning of September 1886, in a Supreme Court hearing concerning a bankrupt Auckland agent, Robert Fitzroy Bolton, an order requested 'for a reversal of disallowance of proof of debt by the creditor's trustee for a proof of debt of Alexander Mackay against the estate' was refused.²⁵⁴ (Bolton had been bankrupted in 1879, 1880, 1882, and again in

²⁴⁶ Hamilton Magistrate's Court, Letter and Record Book 1875-1891, Judgment Summons, 70/1880, BACZ 24127/7; Distress Warrant Book 1880-1922, 7/1880, BCDG 11261/1a, ANZ-A.

²⁴⁷ Magistrate's Court, *Thames Advertiser*, 3 December 1881, p. 3; Magistrate's Court, Home Warrant Book 1881-1933, 302/1881, entries for 19 December 1881, 27 March 1888, BACL 13741/1a, ANZ-A.

²⁴⁸ Paeroa Magistrate's Court, Complaint Book 1881-1896, 25/1881, entries for 26 September 1881, 25 October 1881, BACL 13745/1a, ANZ-A.

²⁴⁹ Magistrate's Court, *Thames Star*, 15 July 1881, p. 2.

²⁵⁰ Magistrate's Court, *Thames Advertiser*, 25 February 1882, p. 3.

²⁵¹ Thames Magistrate's Court, Civil Record Book 1881-1883, 423, 424/1882, BACL 13735/1b; Complaint Book 1881-1884, 296/1882, BACL 13737/12a, ANZ-A.

²⁵² Thames Magistrate's Court, Home Warrant Book 1881-1933, 89/1884, entries for 2 May 1884, 13 October 1886, BACL 13741/1a, ANZ-A.

²⁵³ Thames Magistrate's Court, Complaint Book 1881-1896, 237/1886, BACL 13741/1a, ANZ-A.

²⁵⁴ Supreme Court, *New Zealand Herald*, 4 September 1886, p. 3.

1883, the cause of this requested order.)²⁵⁵ On 22 September, Mackay, giving his occupation as a 'bill commission agent', laid an information against Arthur Dunbebin Bennett, described as 'the well known notary public and accountant', alleging that Bennett 'did falsely, wickedly, and unlawfully, and corruptly commit wilful and corrupt perjury' on 1 September in an affidavit concerning the 1883 bankruptcy of Bolton, who had falsely sworn that his May 1883 promissory note for £25 in favour of Albert Walker²⁵⁶ had not been endorsed.²⁵⁷ (Bennett, appointed an accountant in bankruptcy in 1882, had previously been the managing clerk for a Thames legal firm, and had been fined for contempt of court in 1885 for presenting it with a 'spurious copy of a writ'.²⁵⁸ In 1888, when he was a commission agent, he would have to file as bankrupt.)²⁵⁹

When the Supreme Court case commenced at the end of September, the prosecutor explained that Bennett had committed perjury as a trustee in Bolton's estate.

It would be remembered by the Court that a criminal prosecution had been taken against Bolton to recover an amount of money. Mackay was the owner of the bill, and wanted to participate in a dividend out of the estate, he having negotiated the bill from Albert Walker some years previous, in 1883. Mackay had been applied to by Walker, who was in the habit of doing bills at that time, and at the second interview gave Walker £20 for the note, and would state that at that interview Walker endorsed the note, and that it was some day in May, and subsequent to May 7 – the date of the bill. In the month of June Walker handed it over to Mackay for £20. Bolton was present when the bill was endorsed by Walker, and handed it to Mackay. The latter could corroborate that the bill was endorsed at that time. In August of that year Mackay had the bill in his possession, and showed it to his father-in-law, who was then stopping with him, and at that time the bill

²⁵⁵ Bankruptcy files, AEPG 22919, 109/1; DAAC 1811, box 552, no. 687; DAAC 18118, box 556, no. 1026, ANZ-A; advertisement, *Otago Witness*, 20 September 1879, p. 13; *Otago Daily Times*, 22 April 1882, p. 3; *Auckland Star*, advertisement, 4 November 1883, p. 3, 16 November 1883, p. 3, Supreme Court, 29 March 1887, p. 1.

²⁵⁶ See *Thames Advertiser*, 10 June 1875, p. 3, 23 June 1875, p. 3, 1 May 1876, p. 3, 30 June 1881, p. 3, 26 September 1885, p. 3.

²⁵⁷ Police Court, *New Zealand Herald*, 30 September 1886, p. 6.

²⁵⁸ *New Zealand Herald*, 5 July 1882, p. 5; Supreme Court, *Auckland Star*, 23 December 1885, p. 5.

²⁵⁹ *Auckland Star*, 19 September 1888, p. 5; *New Zealand Herald*, 22 September 1888, p. 3.

was endorses, and on that point the latter was very clear. He would call two Miss Green's, who had seen the bill, and one had out of curiosity handled it when overhauling her brother-in-law's papers.

The charge of perjury was based on Bennett's affidavit, presented at an appeal over Bolton's bankruptcy, heard on 3 September, asserting there was no endorsement of the bill. Samuel Hesketh,²⁶⁰ 'a solicitor in the matter of the rejection of the proof of debt of Alexander Mackay', submitted a letter he had received from Bennett dated 18 August 1886, which stated that he had 'every reason to know' that Mackay was 'in partnership in this particular matter' with the two bankrupts Bolton and Walker. 'I have already refused payment to Mr Albert Walker, who thereupon evidently handed the note to Mackay'. He had 'other information', unspecified, and 'any further demand' was 'useless, as were your client's proposals, as made to me in the hearing of witnesses'. Later, Bennett informed Hesketh that the note had not been 'endorsed until very lately', and had been added since first being produced. Hesketh 'remembered saying that if he found anything crooked about the matter he should be the first person to punish Mackay for it, as Bennett seemed so positive about it being true'. On 1 September he had written to Bennett 'stating that Mackay was confined through illness, and would not be about for some days to come'.

Alexander Mackay, residing at Russell-street, Archhill, deposed that he was a carpenter, and had been formerly at the Thames. He recognized the promissory note produced, drawn in favour of Albert Walker by Robert Fitzroy Bolton for £25, dated May 7, 1883, and due August 10, 1883. Witness got it from Walker about June 1, 1883, lending him £20 upon it. It was then endorsed by Albert Walker. He did not see it endorsed, but the endorsement existed at the time he got it. After having it for some time Albert Walker requested him to hold it back, and as a matter of fact it had not been presented at any bank. About August 10, 1886, he gave it to Albert Walker, when he found it was payable. It had previously never been out of his possession. The endorsement was on it then, and existed as it did at present. He pasted it together with note paper the day before he gave it to Albert Walker. It was returned to him the same night, and witness presented it to Bennett on August 13, telling him it was a bill connected with Bolton's estate, and he thought it was payable. Bennett examined it, seeing Walker's endorsement upon it, and then inquired why

²⁶⁰ See *Auckland Star*, 7 July 1938, p. 20, 10 January 1939, p. 9.

he had not presented it in Walker's bankrupt estate. Witness replied that he was not aware of Walker's bankruptcy. Bennett said he could do nothing with the bill that day but requested him to leave it with him. Witness told him that if he left the bill he would have no claim whatever upon it. Bennett requested him to sign a printed form (proof of debt form), but witness said he would do so on first showing it to his solicitor, Mr Hesketh. Bennett then said he did not wish to have anything to do with d--- rogues. Witness was leaving with the bill when he called him back and said, "Come up to-morrow, and I will see about paying the bill." On returning next day (Saturday), on seeing Bennett in reference to his promise, the latter replied, "I don't think I will pay it," and witness left. He did not tell Bennett he was prepared to allow £5 or £10 discount on the bill. He did not say that he (Mackay) had no right to claim against Bolton's estate, as the bill did not bear any endorsement by Walker. Witness took away the bill, and subsequently made a proof of debt on August 17. His father-in-law's name was George Green, and he recollected showing the bill to him, having gone to Hamilton to bring him down, and there was a conversation asking for a loan of £10, but witness had only £4 to lend him, and witness pulled out the note and showed him it as being that for which he had given £20. Green had lived with witness since; also his sisters-in-law, Evelyn and Margaret Green. To Mr [W.] Rigby [Bennett's counsel]: He was a carpenter, but had done no carpentering since he had been in Auckland. He had been a prospector for some time, and was largely interested in the Waioimu country. At the time of the making of the affidavit his place of abode was at Archhill, and yet he had described himself as being a miner at the Thames. Witness was introduced to Bolton in the street by Albert Walker in August last, when he first heard of Bolton's bankruptcy. When he made the declaration of proof of debt on August 1 for the sum of £30 12s against Bolton, he had ascertained that the latter was bankrupt in 1883. It was not true that in 1883 Bolton owned him, at the time of the bankruptcy, the sum of £30 12s. £25 was the amount. He had pieced the note together with a piece of paper on the day before he gave it to Walker, and would swear that he had done so.²⁶¹

When the hearing was resumed, 'the interest in this case was manifest by the number of members of the legal profession who were in Court'. When Mackay's cross-examination resumed, he stated he had 'come up to Auckland about three months ago' from Thames. 'Did not know Bolton personally till August, 1886, and had no communication with him prior to that time. He had never applied to him for payment of the promissory note,

²⁶¹ Police Court, *New Zealand Herald*, 30 September 1886, p. 6.

and did not present it for payment at the due date, as Walker had told him to hold it back'. Walker had not lived at Thames 'since the beginning of 1883, except for a few days off and on', but previously had lived there from the early days of that goldfield. 'He had had a good many transactions with Walker, extending over several years, principally in regard to prospecting and mining matters'. He had known about Walker's bankruptcy

when he presented the bill to Bennett. He was in Auckland two or three days when Walker spoke about the promissory note. The latter inquired if he had any money, and witness, informing him he had a few notes, inquired for the loan of £20. He showed the promissory note, and witness agreed to lend him £20 upon it. It was an hour or so after that he let him have the money. It might have been half an hour afterwards. He gave it to him in Abbott's Hotel. Walker only was present at the time; a mate, son of witness's, named Arnold, saw the promissory note about half an hour afterwards, but the mate was dead. He lent him the money for three months, Walker saying that he was to present it before it became due, but he could not say whether it was when it became due or before, Walker told him to hold it back. He had never applied to Walker for payment since the bill matured. Witness's circumstances were right enough at present. Since 1883 he had been pressed for money. He had not borrowed money from bill discounters since 1883. He had backed bills. He knew a Mr Moses in High-street, having backed a bill for Mr Mason, the latter having got the money, not witness. He had not borrowed money since August, 1883. He did not recollect at the time borrowing any money since that time. He did not know that Albert Walker had kept a banking account during 1883. Witness received Albert Walker's cheque for £5 on an Auckland bank, having got it from him on the Auckland wharf. It was for a water right at the Thames, and he paid it away to Mr Rowe, the surveyor. It was some time in May, 1886. Witness paid the gold receiver in cash. The cheque being paid away, he could not say whether it was honoured. Witness received instructions along with the cheque, and when he presented it to the gold receiver the latter said he did not take cheques in payment.

After a document provided by Mackay was read out, his cross-examination continued:

Mr Alexander Mackay is to peg out on Wednesday, the 23rd June, 1886, the water right, Waiomu, and present Mr Walker's cheque on Thursday morning, the 24th June, to Burgess (Goldfields Receiver), and then to telegraph (Kidd's hotel), and simply to put in telegram, "Pegged out and paid for to-day."

Witness got that document on the wharf. At the interview with Bolton, Walker told him that twenty shillings in the pound was to be got in the estate. Walker told him that Bennett had got possession of the money. The meeting took place in Kidd's Commercial Hotel, and he was told by Walker to present the bill to Bennett for payment. He brought it in and gave it to Walker to take to Bennett. He did not present it himself, as Walker knew more about bills than he did, and asked him to get it for him. Walker said he had seen Bennett, but had not shown him the promissory note, but Bennett had said that there were no funds. Walker did not reply that the defendant had said, "Walker was a bankrupt, and could not pay it." There was only a boy present at the time of witness's interview with Bennett. He did not know Mr Ballantine, and he was not present. Witness did not say that he had noticed that defendant had been paying twenty shillings in the pound. He did not say that he believed he was paying Bolton's debts, but he said he believed the bill was payable. Witness put the bill on the counter, and Bennett, turning it over, said, "Why did you not present this in Walker's bankruptcy?" Bennett did not then call his attention to the fact that the bill was not endorsed. Defendant did not say that he had no right to claim against Bolton's estate as the bill was endorsed by Walker. Witness was not asked to make out a declaration of proof of claim, but defendant pulled out the printed form, and asked him to sign it. His father-in-law, Mr Green, had lived at the Thames. He (witness) was in Court when Mr Cooper [the prosecutor] opened the case, but did not hear him state that his father-in-law had lent him money on the security of the bill.

Mr Cooper protested against the question being put, contending that he had never made use of such a statement in his opening. He appealed to the Bench, and then to the reporters, as to whether he had done so,

His Worship said he did not hear the words used.

Bolton, in his evidence, explained that he 'occupied the unfortunate position of being an undischarged bankrupt in two bankruptcies'. He had given the promissory note to Walker, whom he had seen endorse it in a hotel. 'He had then no acquaintance with Mackay. He did not know the latter till his second bankruptcy, some four or five weeks ago'. Some of his evidence about his first bankruptcy was vague. He had known Walker 16 years previously. 'He had application made to him for the bill by Mackay, who was introduced by Walker. Witness referred them to the defendant'. His conversation with Mackay was that Bennett would pay the bill if Mackay 'signed a certain paper', and he denied telling a man named Hickey that Bennett was to pay all his debts and that he would give Hickey 'a bill

dated back, and you can take it to Bennett, get the money, and we will divide it’.

Walker explained that he was a land and mining agent in Auckland who had had ‘transactions’ with Bolton, and confirmed Mackay’s account of how the promissory note had been dealt with. He ‘had had a number of transactions at the time with Mackay. They were on such friendly terms that there were no accounts kept between them. He gave him the bill to make what use he could of it at the time’, and had lent Bolton £20 ‘to oblige him. He was intimately acquainted with him’. He produced a letter, dated 1 September 1886, from the assignee asking why he had not listed the promissory note amongst his assets, and his response that, at the time of his bankruptcy, ‘no such promissory note ... belonged to me’.

George Green deposed that he was a labourer, residing at Archhill, and was father-in-law of Alexander Mackay, and recollected being on a visit in the Waikato, and met Mackay, who wanted witness to go to the Thames. Witness saw the bill. It was for £25, and he examined it, seeing the endorsement upon it. On one occasion, about two years ago, one of his daughters had it in her hands, and thought it was a cheque.

Under cross-examination, he explained that he was living with Mackay and that he ‘could only read print a very little. He could not read or see the signature to the letter signed “Albert Walker”’, sent to the assignee.

Evelyn Green deposed that she was a milliner, Wakefield-street, and daughter of the last witness. She had stopped at her brother-in-law’s house at the Thames two years ago, and also since. He was residing at Hape Creek. During that time she saw a promissory note. It was about two years or eighteen months ago. It was lying on the table, and she thought it was a cheque. She did not examine it, but saw the name of Albert Walker on the back of it. She had often had it in her hand, but did not read it. She saw it at Christmas time. The first time she saw it it had not a piece of paper on the back of it.

Cross-examined, she insisted she ‘had never read it at any time. All she could say was that she saw a piece of paper like the bill (produced) with Albert Walker’s name on the back of it’.

Margaret Green, sister of previous witness, deposed that she had first seen the note about two years ago, being then in Bagnall’s Cottage, Hape Road, Thames. She could not describe it exactly,

but the name Albert Walker was on the back of it. It had not then the piece of paper on the back of it. She had it in her hand last Christmas, but could not read the contents, although she tried to do so.²⁶²

That concluded the evidence for the prosecution. After legal debate, the case was referred to the Supreme Court.²⁶³ At its hearing, the chief clerk in the official assignee's office 'deposed to Mackay producing the note to him ... but he could not positively say that he saw the endorsement, although he must have done so, or he should have asked Mackay why it was not endorsed'. Later, when Bennett 'called on him with regard to the disallowance of a proof of debt put in by witness', he had 'noticed that the endorsement was smudged'. When Mackay repeated the evidence he gave in the lower court, he was 'cross-examined at considerable length. He admitted being indebted largely at the Thames, but in regard to several of the items of indebtedness about which he was examined said he did not recollect'. Bolton also repeated his evidence, and repeated his vague responses to some questions, including that he 'could not remember whether or not he had been charged with impersonation 16 years ago'. The 'scathing cross-examination' produced more denials of facts produced about earlier cases.

When Walker was cross-examined, he said the bill 'was not exactly a loan from Mackay. Mackay was under certain obligations to him. Could not tell how much Mackay owed. Was not in the habit of keeping accounts. Got £20 from him. Gave him that bill to make what use he could of it. Acquitted him of the balance, because he assisted him'. Challenged about another bill, he evaded some questions before declining to answer more questions; the judge thereupon warned 'that in all probability he would find himself in the dock'. Bolton, recalled, claimed to have forgotten to include some of his liabilities in his bankruptcy schedule. George Green and his daughters repeated their evidence, Green saying that although he could not read writing he 'had seen the bill so often since that he thought it was the same' as the one Mackay had shown him in Hamilton. Evelyn added that 'she did not recognize the writing of two anonymous letters' addressed to George Ballantine, manager of the North New Zealand Woollen Company; 'She swore she did not write them'. Margaret 'knew nothing about the two

²⁶² Police Court, *New Zealand Herald*, 2 October 1886, p. 6.

²⁶³ Police Court, *New Zealand Herald*, 4 October 1886, p. 5.

letters, and had never seen them before'. Ballantine was next to give evidence:

He knew Mr Bennett, the secretary of the company. He remembered Friday, August 13, and was in Mr Bennett's office all that day. He remembered Mackay coming in in reference to Bolton's bankrupt estate. Mackay said to Mr Bennett, "I notice you are paying Bolton's creditors 20s in the pound." Then he took out a pocketbook and produced a bill and said he had a claim of £25 against Bolton's estate, and handed the bill to Mr Bennett, who read it aloud. Witness made out that it was a promissory note made by Bolton in favour of Albert Walker. Mr Bennett turned it round and said, "The bill is not endorsed, and so there is nothing to show it is your property." Mackay said it did not matter, as he could easily prove it was his, and that it had been a long time in his possession. Mr Bennett said it was not a proper claim against the estate. Mackay said that he did not expect to get anything out of it, and that he did not mind giving him £5 or £10 to get the claim passed. Mr Bennett declined to do anything of the kind.

Cross-examined, Ballantine stated that Bennett 'asked him to fill in a form of proof of debt, but Mackay refused to do so, and said he would need to take the advice of some other person before doing so. He declined to leave the bill with Mr Bennett', who asked him to return next day after he investigated it. Ballantine did not recognize the bill produced in court because he recalled it as 'in a fair state of preservation' and written on blue paper whereas the one produced as evidence was written on white paper.

Samuel O'Leary, clerk to Mr Bennett, said he remembered Mackay coming to the office. Mr Ballantine, Mr Bennett, and witness were in the office. Mackay said he had a bill in his pocket, and as he saw Mr Bennett was paying a dividend on the same thing he might as well make something out of it. He produced the bill, and said he was Mr Alexander Mackay of the Thames. Mr Bennett looked at the bill, and asked how he was to know the bill was Mackay's property, as it was not endorsed by Albert Walker. Mackay said he knew that, but could get two hundred people from the Thames to prove it was his bill. Mr Bennett asked if that was the bill which Walker asked him about yesterday. He said he believed it was. Mr Bennett asked him to make a declaration of claim in proper form, but Mackay said he was not on to do that, but must consult somebody first. Mackay said as he did not expect to get anything out of it he was not particular to £10 or £15 if Mr Bennett would put the bill through for him. Mr Bennett

said he could not do that, and asked him to leave the bill and he would see what he could do for him. He went away, and called next day.

Another witness, a solicitor, said he knew Walker: 'From what I know of his character, I would not believe him on oath'.²⁶⁴ When John Abbott, a prominent bill broker and moneylender,²⁶⁵ was asked to identify him,

Mr Mackay being called did not appear for a few moments having left the precincts of the Court.

His Honor remarked, I don't wonder at his disappearing.

Mr Mackay then came into Court, when His Honor said, Oh, there he is. Don't let that person leave the Court again'.

Abbott said 'he knew Mr Mackay well, and also his character. From what he knew of his character, he would not believe him on his oath'.²⁶⁶ Likewise, he would not believe either Walker or Bolton on their oaths. After another witness gave evidence of Bolton's previous attempt to acquire money by false presences, Bennett's counsel

said he would ask the jury entirely to discredit the three principal witnesses for the Crown. With respect to the evidence of Green and the girls, he showed how little their evidence amounted to, and how it might have been some other bill they saw. They did not know how many bills there might be amongst such a crew. The three principal witnesses were such a trio of scoundrels as had scarcely ever stood in a witness box.

After Ballantine vouched for Bennett's character, the judge 'said it was scarcely necessary for him to address the jury', for the only evidence the bill had not been endorsed was provided by 'this trio of scoundrels', who 'had not a word to show that the bill was that tattered document the jury had seen', whereas Ballantine and the clerk agreed it had not been endorsed.

The foreman of the jury then left his place, and took the opinion of each of the jury separately where they sat. On returning to his place, he said the jury found the accused "Not guilty."

At the announcement there was a burst of applause from the crowded Court, which the police endeavoured to suppress.

²⁶⁴ Supreme Court, *New Zealand Herald*, 15 October 1886, p. 3.

²⁶⁵ See *Observer*, 19 January 1901, p. 9; *Cyclopedia of New Zealand*, vol. 2, pp. 194, 423.

²⁶⁶ Supreme Court, *Auckland Star*, 15 October 1886, p. 4.

His Honor said: Let the accused – I mean the acquitted – leave that dock. I have only now, Mr Bennett, to express to you my regret that you have been exposed to the indignity of standing in that box at the instance of such a band of unmitigated swindlers. (Applause.) I trust that measures will be taken to give them their deserts.

His Honor said that no costs would be allowed to Bolton, Walker, Mackay, and Green.²⁶⁷

Despite this prompt, the police took no action against them.

In March 1891, when Mackay filed to be adjudged bankrupt,²⁶⁸ in explaining his circumstances to the assignee referred back, discreetly, to this case:

I am a carpenter by trade, but for the last 26 years have been engaged in mining matters, in the Ohinemuri district, chiefly as prospector. For the last two years I have not gained sufficient to support my wife and seven young children (the eldest being 13 years of age). My debts amount to £209 16s, £26 of which has been contracted within the last two years. Most of my creditors knew that I was in debt nearly £200 two years ago. All that I have in the nature of assets is the household furniture, worth about £20. The only creditor who has pressed me, and through whose action I have been compelled to file, is the holder of a promissory note which I endorsed five years ago for a friend without any consideration. I do not see the slightest prospect of being in a position to contribute anything towards liquidating my debts.²⁶⁹

All his liabilities were unsecured; the largest were to a Thames storekeeper for £86, Norbury for £65, and John Thorp for £22.²⁷⁰ His bankruptcy was declared closed in February 1893.²⁷¹

After his bankruptcy, he did not incur many more debts. In 1892, when he had not paid for five months of his subscription to the *Thames Advertiser*, he was sued for £1 12s 6d, and required to pay.²⁷² He told the

²⁶⁷ Supreme Court, *New Zealand Herald*, 15 October 1886, p. 3.

²⁶⁸ Supreme Court, Bankruptcy Register 1888-1892, p. 367, BBAE 5639/1a, ANZ-A.

²⁶⁹ *New Zealand Herald*, 17 March 1891, p. 3.

²⁷⁰ *Mercantile and Bankruptcy Gazette*, 16 May 1891, p. 124.

²⁷¹ *New Zealand Gazette*, 9 March 1893, p. 316.

²⁷² Thames Magistrate's Court, Plaintiff Book 1890-1895, entry for 8 April 1882, BACL 13737/2a, ANZ-A; Magistrate's Court, *Thames Advertiser*, 23 April 1892, p. 2.

magistrate in October that he owed just over £7, but after receiving his latest pay for working on the railway line he had paid five debts, leaving £3 11s 10d outstanding.²⁷³ In 1894, a judgment summons was obtained against him to enforce payment of £7 11s 10d owed to a Paeroa butcher.²⁷⁴ In September 1896 he was understood to be ‘doing well’ financially.²⁷⁵ The following year, John Thorp sued him for £152 13s, comprising a promissory note and money lent; this seems to have been settled out of court.²⁷⁶ When he died in 1918, his estate was estimated at being less than £1,500, a considerable sum, but in reality was £120 13s 4d.²⁷⁷

GEORGE GREEN AND HIS CHILDREN

In February 1876, in a Catholic ceremony, Mackay married Alice Green, daughter of George Green and Ellen Peagum, Pagan, or Pagum.²⁷⁸ Confusion over the spelling of Ellen’s surname may reflect her likely illiteracy rather than the registrar’s bad spelling. George Green’s career is hard to trace, not simply because it was a common name but because, for reasons unknown, he sometimes used the surname of Isherwood for himself and his children. At least one of his children was born outside New Zealand, and most of their births were not registered. In 1886, as he told a court, ‘He could not read writing, and can only sign his own name. He could only write his own name twenty years ago. He could only read print a very little. He could not read or see the signature’ on a letter he was shown.²⁷⁹

According to the information he gave to the Thames hospital when he was admitted in July 1884, he had been born in Liverpool in 1815 and had

²⁷³ Paeroa Magistrate’s Court, Notes of Evidence 1884-1892, entry for 14 October 1892, ZAAP 13790/1a, ANZ-A.

²⁷⁴ Paeroa Magistrate’s Court, Judgment Summons Issued 1894-1926, 10/1894, BACL 13747/1a, ANZ-A.

²⁷⁵ Secretary, Thames Hospital Board, to Constable Beattie, 16 September 1896, Thames Hospital Letterbook 1896-1900, p. 31, YYBP 14067/1b, ANZ-A.

²⁷⁶ Supreme Court, *Auckland Star*, 19 March 1897, p. 3, 22 June 1897, p. 4.

²⁷⁷ Probates, BBAW 1569/13313; Testamentary Register 1919, folio 340, BBCB 4208/15, ANZ-A.

²⁷⁸ Notices of Intentions to Marry, 1876, folio 201, Births Deaths and Marriages, BDM 20/21, ANZ-W; Marriage Certificate of George Green and Ellen Peagum, 1 April 1858, 1858/1099, BDM.

²⁷⁹ Police Court, *New Zealand Herald*, 2 October 1886, p. 6.

been in New Zealand since 1837. His father was Thomas, a carpenter.²⁸⁰ His death certificate (by which time he was known as Isherwood) agreed with this date of birth, giving his place of birth simply as England and recording no information about his parents.²⁸¹ According to his 1858 marriage certificate, he had been born in 1829;²⁸² as he was marrying a younger woman, he may, like so many others, have wanted to obscure their age difference.

Green was variously a carpenter, a bushman, a labourer, and a sawyer.²⁸³ He may have had other occupations: a George Green traded with Piako Maori in the early 1860s for pigs and flax.²⁸⁴ A George Green took out a miner's right at Thames in September 1868,²⁸⁵ though he was not recorded as being a shareholder in any claims. Green was in Fiji at the beginning of the 1870s, for in 1871 his daughter Ellen was born there.²⁸⁶ In 1875, he was an owner of the Half-a-Ton at Owharoa, a name later reused for one of his and Mackay's Waihi claims.²⁸⁷ His involvement in Te Aroha mining was restricted to acquiring a share in one claim in January 1881 that was abandoned within four months, and purchasing one share in Mackay's Golden Hill in February 1882.²⁸⁸ He was present on the Te Aroha

²⁸⁰ Thames Hospital, Register of Patients 1884-1901, folio 2, YCAH 14075/1a, ANZ-A.

²⁸¹ Death Certificate of George Isherwood, 13 October 1893, 1893/5293, BDM.

²⁸² Marriage Certificate of George Green and Ellen Peagum, 1 April 1858, 1858/1099, BDM.

²⁸³ Marriage Certificates of George Green and Ellen Peagum, 1 April 1858, 1858/1099; Phillip Samways and Ellen Isherwood, 25 November 1892, 1892/2917; Death Certificate of George Isherwood, 13 October 1893, 1893/5293, BDM; Thames Hospital, Register of Patients 1884-1901, folio 2, YCAH 14075/1a, ANZ-A; *Bay of Plenty Times*, 6 September 1873, p. 3; Police Court, *New Zealand Herald*, 2 October 1886, p. 6.

²⁸⁴ Maori Land Court, Hauraki Minute Book no. 46, p. 132.

²⁸⁵ Thames Warden's Court, Register of Miners' Rights 1868, no. 11223, BACL 14358/2a, ANZ-A.

²⁸⁶ Marriage Certificate of Phillip Samways and Ellen Isherwood, 25 November 1892, 1892/2917, BDM.

²⁸⁷ Te Aroha Warden's Court, Register of Ohinemuri Claims 1875, folio 117, BBAV 11568/1a; Thames Warden's Court, Register of Licensed Holdings 1875-1882, folio 151, BACL 14397/10a, ANZ-A.

²⁸⁸ Te Aroha Warden's Court, Register of Te Aroha Claims 1880-1888, folio 194, BBAV 11567/1a, Register of Licensed Holdings 1881-1887, folio 12, BBAV 11500/9a; Transfers and Assignments 1882, no. 76, BBAV 11581/1a, ANZ-A.

field from at least 10 January 1881, when he obtained a miner's right, until 26 March, when his horse was stolen.²⁸⁹ In October, he revisited to peg out the Nile for Mackay.²⁹⁰ In July, as noted, he held interests in all seven claims Mackay took up at Waihi, and described himself as a miner in November when obtaining 4,140 of the 30,000 scrip shares in the Rosemont Company formed to work one of these.²⁹¹ When a mining reporter visited the Rosemont claim in September, Green 'provided, for my information, a piece of quartz, which showed a splendid prospect'.²⁹²

During much of the 1870s and 1880s, he lived in Ohinemuri. When his daughter Alice married Mackay in February 1876, she declared that she had been living there for a year.²⁹³ In March 1877 Green was living in Coromandel.²⁹⁴ In February 1882, when he was described as a miner, he had to be sued to force him to pay rent on his Ohinemuri 'tenement'.²⁹⁵ In August, he was cutting two kauri trees near Mackaytown for a settler and splitting them into palings.²⁹⁶ For a time in 1887 he lived in Cambridge before moving to Auckland, and then in March 1888, when he was living with Mackay in Freeman's Bay, they were both about to go to Puriri to mine.²⁹⁷ As he was then aged about 73, that was the last time he was recorded as doing any mining.

²⁸⁹ Te Aroha Warden's Court, Miner's Right no. 1712, 10 January 1881, Miners' Rights Butt Book 1881, BBAV 11533/1h, ANZ-A; *New Zealand Police Gazette*, 23 March 1881, p. 45.

²⁹⁰ Te Aroha Warden's Court, Notices of Marking Out Claims, October 1881, no. 255, BBAV 11557/1b, ANZ-A.

²⁹¹ Thames Warden's Court, Register of Licensed Holdings 1875-1882, folios 148-153, 161, BACL 14397/10a, ANZ-A; *New Zealand Gazette*, 3 November 1881, p. 1442.

²⁹² Special Mining Reporter, 'A Visit to Waihi', *Thames Advertiser*, 10 September 1881, p. 3.

²⁹³ Marriage Certificate of Alice Green, 11 February 1876, 1876/935, BDM.

²⁹⁴ Auckland Hospital, Admission and Discharge Book 1870-1886, folio 97, no. 114, ZAAP 15287/2a, ANZ-A.

²⁹⁵ Paeroa Magistrate's Court, Plaintiff Book 1881-1896, 7/1882, BACL 13745/1a, ANZ-A.

²⁹⁶ Thames Warden's and Magistrate's Courts, Inwards Correspondence 1879-1892, memorandum of 23 August 1882, BACL 13388/1a, ANZ-A.

²⁹⁷ Auckland Industrial School, Admissions Register, Boys, 1882-1890, folio 294, BAAA 1955/2, ANZ-A.

Green was never far above the poverty line, partly because of having eight children.²⁹⁸ In 1875 he was probably the George Green who admitted owing £12 5s for goods supplied.²⁹⁹ In 1882, he had to be sued to enforce payment of £3, being unpaid rent.³⁰⁰ Two years later, when aged 69, he spent 29 days in Thames Hospital suffering from rheumatism before being discharged as 'relieved' rather than recovered. This complaint must have handicapped working as a carpenter, as he described himself, and he was then receiving 'Borough relief'.³⁰¹ The following year, he spent three days in hospital because of an intestinal obstruction, this time being cured.³⁰² Two years later, in 1887, when one of his sons was committed to an industrial school, being 'sick and 'destitute' he was unable either to work or to provide for his family, his 'indigent circumstances' meaning he could not contribute towards his son's support for the present;³⁰³ he never did contribute. In September 1891, he was described as having been 'badly hurt some time ago', although with 'some means'.³⁰⁴ Possibly he was the George Green who was drunk and incapable in a Thames street in 1875,³⁰⁵ but in 1887 he was reputedly of 'good character'.³⁰⁶

In 1858, Green had married Ellen Peagum, as her surname was recorded, a servant who had been living at Onehunga (where they were married) for the previous seven years. She was at least ten years his junior.³⁰⁷ Ellen's father was Thomas Pegum (as his surname was usually recorded), who had settled in Onehunga as a fencible,³⁰⁸ and her mother was Bridget, née Keane. Both were addicted to drink, which caused their

²⁹⁸ Death Certificate of George Isherwood, 13 October 1893, 1893/5293, BDM.

²⁹⁹ Magistrate's Court, *Thames Advertiser*, 13 February 1875, p. 3.

³⁰⁰ Paeroa Magistrate's Court, Plaint Book 1881-1896, 7/1882, BACL 13745/1a, ANZ-A.

³⁰¹ Thames Hospital, Register of Patients 1884-1901, folio 2, YCAH 14075/1a, ANZ-A.

³⁰² Thames Hospital, Register of Patients 1884-1901, folio 6, YCAH 14075/1a, ANZ-A.

³⁰³ Auckland Industrial School, Admissions Register, Boys, 1882-1890, folio 294, BAAA 1955/2, ANZ-A.

³⁰⁴ Police Court, *New Zealand Herald*, 24 September 1891, p. 3.

³⁰⁵ *Thames Advertiser*, 10 February 1875, p. 3.

³⁰⁶ Auckland Industrial School, Admissions Register, Boys, 1882-1890, folio 294, BAAA 1955/2, ANZ-A.

³⁰⁷ Marriage Certificate of George Green, 1 April 1858, 1858/1099, BDM.

³⁰⁸ See *New Zealander*, 13 October 1852, p. 4, advertisement, 7 February 1855, p. 4; *Daily Southern Cross*, advertisement, 9 August 1853, p. 4, 6 March 1857, p. 3; Death Certificate of Thomas Pagam, 7 April 1858, 1858/1303, BDM.

deaths when he was aged 50 and she was 40.³⁰⁹ Her mother was the first to die, in 1855, and the inquest revealed a dissolute household, which must have had an adverse impact on their children. Bridget Pequin, as her name was recorded, had been ‘found lying dead on the ground in the morning outside her house, the door of which was probably locked. Her husband said that he was drunk the night before and had entered his house through a window. He did not know if the door was, or was not, locked and he heard no knocking on the door in the night’. The ‘Surgeon to the Pensioners in the Onehunga District deposed that he

had known the deceased six or seven years. She was addicted to fits of intemperance. He had seen her five or six days previously. She was then intoxicated. He was called to see the body. Her “clothes were saturated with wet.” He said that she had been dead several hours and “I believe the deceased to have died from the effects of exposure to cold and wet, results which would follow on a body labouring under the effects of apoplectic stupor. I have also seen the husband and know after a fit of intoxication e is very stupid and barely conscious of what he does.”

Verdict: Died from exposure to wet and cold, while intoxicated.

Rider: “The jury believe the carelessness of the deceased’s husband is most reprehensible, and they can not separate without expressing their abhorrence of the husband’s cruel neglect and want of feeling and total indifference to the death of his wife, believing but for this neglect her life might have been saved.”³¹⁰

Ellen’s father died in 1858, one week after her wedding to Green. The inquest recorded that he was ‘always given to drink’ and had been ‘found lying on the floor in a state of “healthy” intoxication. He complained of pain in his belly and vomited a greenish fluid which smelled of liquor’. A surgeon believed he had died of ‘alcoholic poisoning’, and the post-mortem revealed, amongst other things, that his liver ‘was enlarged from excess drink’ and the stomach ‘was empty with the exception of a small quantity of thin frothy liquid’, which, like his body generally, ‘smelled strongly of alcohol’.

³⁰⁹ Death Certificates of Bridget Pagum, 8 November 1855, 1855/335; Thomas Pagam, 7 April 1858, 1858/1303, BDM.

³¹⁰ Inquest into the death of Bridget Peguin, 9 November 1855, in Laurie Gluckman (ed. Ann Gluckman and Mike Wagg), *Touching on Deaths: A medical history of early Auckland based on the first 384 deaths* (Auckland, 2000), pp. 202-203; my thanks to Belinda Norris for bringing this inquest to my attention.

The verdict was that he died of ‘excessive drinking of ardent spirits and not from any heart injury or violence’.³¹¹

Green’s marriage was still intact, at least in a formal sense, in early 1882, but had collapsed before 1886, when his two youngest sons were living in the Thames orphanage,³¹² clearly having been abandoned by their mother and beyond their father’s ability to support. In March 1888 he was living with Mackay in Freeman’s Bay in Auckland and getting ready to mine with him at Puriri.³¹³ In September 1891 Ellen was living in Napier, ‘she and her husband having separated’.³¹⁴ He continued to live in Auckland, working as a milkman,³¹⁵ until dying after suffering a stroke at Chapel Street in October 1893, aged 78. His future son-in-law, John Hadfield, registered his death (as Isherwood), but did not know the name of his wife, an indication of their long separation.³¹⁶ Ellen’s death has not been traced in New Zealand; was she the Ellen Green who was granted the old age pension in Auckland early in the twentieth century?³¹⁷

At his death in 1893, Green left four sons and four daughters; the former were aged from 11 to 30 and the latter from 20 to 29.³¹⁸ It is difficult to trace their names and ages because some were known as Green, some as Isherwood, few of their births were registered, and some of their ages as recorded in Green’s death certificate and in other official records were inaccurate. The sequence of births probably was as follows; what details can be traced of all the children, apart from their first one, are given here:

The birth of their first child, Bridget, in November 1860,³¹⁹ was not registered. She renamed herself Alice, under which name she married

³¹¹ Inquest into the death of Thomas Pagam, in Gluckman, p. 233.

³¹² Police Court, *Thames Advertiser*, 4 March 1882, p. 3; Thames Orphanage School, Examination held on 5 July 1886, p. 104, YCAF 4135/19a, ANZ-A.

³¹³ Auckland Industrial School, Admissions Register, Boys, 1882-1890, folio 294, BAAA 1955/2, ANZ-A.

³¹⁴ Police Court, *New Zealand Herald*, 24 September 1891, p. 3.

³¹⁵ *New Zealand Police Gazette*, 16 November 1892, p. 189; *Auckland Electoral Roll, 1893*, p. 98.

³¹⁶ Death Certificate of George Isherwood, 13 October 1893, 1893/5293, BDM.

³¹⁷ *Auckland Star*, 23 February 1900, p. 6, 27 February 1901, p. 4, 5 March 1903, p. 5.

³¹⁸ Death Certificate of George Isherwood, 13 October 1893, 1893/5293, BDM.

³¹⁹ Birth date recorded as 10 November 1860 in Catholic Archives, Auckland; information provided by Belinda Norris [a descendant of George Green] to Philip Hart, 28 June 2016, 1 July 2016, emails.

Mackay 16 years later, in February 1976.³²⁰ In 1916 she stated that she had been born at sea, off Onehunga.³²¹ Later she complicated matters by giving her age as 50 in 1922, when in fact she was 62.³²² (Being 50 in 1922 would have made her four years old when she married Mackay.) And according to what she later told the authorities, she was born in 1863,³²³ making her 13 when she married. As an example of the confusion over her date of birth, in September 1913 she gave her age as 40, and in November 1916 as 39.³²⁴

The second child, James, was probably born in 1862;³²⁵ again, his birth was not registered. According to his own recollection, he had been born in Kawhia.³²⁶ In 1873, when the family was living near Tauranga, he helped his father and ten-year-old brother to saw up trees.³²⁷ In 1892, when he was living in Thames, and commonly known as Jimmy,³²⁸ a newspaper account of a stone-throwing incident revealed him to be of feeble intellect:

About 8 o'clock last night a young man named James Green, who is rather *eccentric* in his manners, was accosted by a number of youths in front of Messrs Hutson and Pitkethley's drapery establishment, and after a few words on both sides, a kind of melee took place, when the boys in a most cowardly manner resorted to throwing stones, and two of the missiles appear to have struck Green on the head, inflicting rather nasty cuts. Constable Bern was informed of the occurrence and finding that Green had received two wounds took him to Mr Hall's dispensary, where the injuries were attended to. The cuts were not by any

³²⁰ Notices of Intentions to Marry 1876, folio 201, BDM 20/21, ANZ-W; Marriage Certificate of Alice Green, 11 February 1876, 1876/935, BDM.

³²¹ Auckland Hospital and Charitable Aid Board, Applications for Relief 1908-1919, p. 354, YCAB 15246/1a, ANZ-A.

³²² Marriage Certificate of John Hadfield and Helen Bridget Mackay, 6 January 1922, 1922/475, BDM.

³²³ *New Zealand Police Gazette*, 27 January 1892, p. 13.

³²⁴ Auckland Hospital, Register of Admissions and Discharges 1913-1915, folio 25, YCAB 15266/1a; Auckland Hospital and Charitable Aid Board, Applications for Relief 1908-1919, p. 354, YCAB 15246/1a, ANZ-A.

³²⁵ Death Certificate of James Green, 29 July 1920, 1920/599, BDM; Thames Hospital, Register of In-Patients 1884-1901, folio 60, YCAH 14075/1a; Avondale Asylum, Register of Committed Patient Admissions 1906-1912, Patient no. 3471, ANZ-A.

³²⁶ Avondale Asylum, Case Book 1906-1908, folio 177, YCBZ 1048, A1827/1, ANZ-A.

³²⁷ *Bay of Plenty Times*, 6 September 1873, p. 3.

³²⁸ Police Court, *Thames Advertiser*, 21 April 1892, p. 3.

means serious, but still the boys who caused such pain to an imbecile, such as the young man referred to, should, if possible, be made examples of for their cruelty.³²⁹

At the subsequent court hearing, after admitting having been the first to throw a stone, Jimmy, like the others, was discharged with a caution.³³⁰ In August 1894, when he was admitted to the Thames hospital suffering from influenza, his occupation was recorded as 'Anything'.³³¹ In the following year, 'a rather unusual accident' happened to a Mrs Duncan:

A half-witted individual named James Green was employed on some odd work at the residence of Mrs Duncan's mother, where he was also provided with his dinner. It appears that as Green was eating Mrs Duncan stood near the table chaffing him on various subjects, and in motioning her away with his hand he accidentally struck her on the wrist with the knife he was using.

Mrs Duncan had to go to the hospital at stop the bleeding;³³² no action was taken against James for what was clearly an accident. A more serious, and this time deliberate, stabbing in 1907 (again in Thames) resulted in a more serious outcome for him:

On Sunday evening a case of stabbing occurred at Shortland near Hansen's store, when a young man named Charles Jordan, a letter carrier, was wounded by a man named James ("Jimmy") Green, who is well known at Thames. The wound was not a serious one, and Jordan was able to proceed with his usual duties the following day.

Green was arrested and lodged in the gaol, and on the following day was brought before the Court and remanded until this ... morning. In the meantime, however, investigations had been made as to Green's insanity, and as to whether he was sufficiently compos mentis to understand the nature of the charge brought against him. A medical examination was conducted by Drs [George] Lapraik and [W.J.] Barclay, with the result that Green was certified to as being insane, and he was committed to the Avondale asylum ... on Tuesday.

Efforts were being made by a few friends to have counsel engaged to defend Green from the charge that had been preferred against

³²⁹ *Thames Advertiser*, 8 April 1892, p. 2.

³³⁰ Police Court, *Thames Advertiser*, 21 April 1892, p. 3.

³³¹ Thames Hospital, Register of In-Patients 1884-1901, folio 60, YCAH 14075/1a, ANZ-A.

³³² *Thames Advertiser*, 18 April 1895, p. 2.

him and Mr [Edwin John] Clendon had been approached on the matter, but when this morning came it was found that the charge had been dropped, that Green had been certified as to being insane, and had been committed to the asylum. This practically amounts to the expunging from the court books of the criminal charge against Green.³³³

A local correspondent considered that 'the case was not of a serious nature'.³³⁴ When admitted to the asylum, his occupation was noted as 'labourer' and he was recorded as having a 'Form of Mental Disorder: Is an Imbecile'. This attack had lasted a week, the cause being 'Congenital'.³³⁵ Further investigation led to the view that he had been imbecilic from birth. Dr Barclay provided a detailed report:

Talks in garrulous indistinct manner, facial muscles twitching constantly, he is childish in his ideas and manner of expressing them. Admits that he stabbed a man on March 1st but does not apparently realize that he committed any offence. Cannot tell the day of the week, the month, nor the year. The man is a "natural", who, though as a rule harmless, is not responsible for his actions. As he has proved himself dangerous to others, I consider he is not fit to be at large.

Dr Laiprick added, 'He says people in the streets call out to him and annoy him', and a police sergeant stated that he had 'never caused any trouble to anyone till lately'. Jimmy himself stated that he had 'never been a drinker, has had several severe blows on head'. A detailed observation of his condition was made after he was admitted:

Has a foolish imbecile appearance and expression, his face and lips are very tremulous during conversation. He talks away continually in a rambling garrulous manner and his speech is very indistinct, frequently being quite unintelligible. He is childish in his conversation and there is marked defect in his general intelligence. He addresses the flies telling them to go away when they settle on him. Says the people of Thames annoy and persecute him, they talk maliciously of him and often throw rocks at him, he stabbed a man on Sunday who annoyed him. Whilst

³³³ *Thames Star*, 6 March 1907, p. 2.

³³⁴ Thames Correspondent, *New Zealand Herald*, 7 March 1907, p. 6.

³³⁵ Avondale Asylum, Register of Committed Patient Admissions 1906-1912, Patient no. 3471, YCAA 1021/5, ANZ-A.

talking on the subject of people persecuting him he becomes rather excited. Memory appears fairly good.

(And clearly he was remembering insults and assaults correctly.) In the asylum, he worked obediently on its farm, probably being happier than when living in Thames and harassed by its youths. Only on rare occasions would he become 'excited and agitated'.³³⁶ Jimmy would die in 1920, still in the asylum, of 'Chronic brain disease' and heart disease; his age was recorded as 57, but his parentage was unknown to the officials.³³⁷

George, born in February 1863 in Raglan, was the first to have his birth registered.³³⁸ He also had his death registered, only ten years later.³³⁹ His father, then living in Tauranga, told the inquest the circumstances of his son's death:

I felled a tree about four months ago up at Oropi in the bush; the tree lodged in another rimu tree; I left the tree on account of its being lodged; during the time I was at work at Mangarewa sawing for Captain Turner; the tree lodged on the top of the stump, having shot backwards on its own stump, having fifteen feet or so of lower end overhanging; I went yesterday morning about nine o'clock a.m. to cross-cut it; me and my two boys cut it within an inch and a half; I had one of the boys, Jimmy, alongside of me; George (the deceased) was on the other side [of] the piece I had erected for the scaffold; the log in falling struck a piece of tawa which formed part of the scaffold, and drove it sideways so as to strike the deceased on the back, flinging him forward on his face, and at the same time, as well as I can judge, the falling log must have struck him on the side of the head and killed him; had he been standing clear of the scaffold he would not have been hurt; owing to the height of the log I could not see where he was standing; the boy was accustomed to work with me in the bush at cross-cutting trees; I did not dream of the possibility of the butt of the log catching the piece of tawa, but think it must have been the top half of the tree which turned the piece of tawa in such a manner as to bring it into the way of the falling butt; the boy when I picked him up was quite dead; I then got four natives to carry him to the edge of the bush, and brought him in in the coach.³⁴⁰

³³⁶ Avondale Asylum, Case Book 1906-1908, folio 177, YCBZ 1048, A1827/1, ANZ-A.

³³⁷ Death Certificate of James Green, 29 July 1920, 1920/599, BDM.

³³⁸ Birth Certificate of George Green, 17 February 1863, 1863/9234, BDM.

³³⁹ Death Certificate of George Green, 2 September 1873, 1873/10817, BDM.

³⁴⁰ *Bay of Plenty Times*, 6 September 1873, p. 3.

In 1865, when Green was a sawyer in the Cambridge-Hamilton district, his second daughter, Margaret, was born; for once this birth was registered.³⁴¹ She was living in Auckland in 1897,³⁴² but later ‘moved to Sydney and married a Thomas Francis. She is also known as Rose Margaret and died [in] 1926’.³⁴³

Another daughter, Evelyn, sometimes Evelyn Elizabeth, was born at an unknown date. In 1886, when she was a milliner and living in Auckland, she gave supporting evidence for Mackay in the ‘trio of scoundrels’ case.³⁴⁴ She had an illegitimate daughter by a hairdresser named William Cheshier, about whom nothing has been traced.³⁴⁵ She also moved to Sydney, where (as Evelyn Isherwood) she married Joseph Ronald Cain (or Crane) in 1904, dying there in 1910.³⁴⁶

Green’s daughter Ellen was born either in Fiji in 1871, or in Auckland in 1873, or somewhere else in 1875.³⁴⁷ Perhaps she was born in June 1871, for when she attended the Waiokaraka School (at Thames) in June 1884 she was recorded as being aged precisely 13-years-old. Partly because she had only been at that school for one month, she was not presented for the inspector’s examination, but the main reason may have been the inspector’s comment: ‘Demented’.³⁴⁸ In 1892 she was described as being five feet and half-an-inch tall, with a fresh complexion, fair hair, dark brown eyes, and a large nose.³⁴⁹ In June 1890, Nellie (meaning Ellen) Green, when aged 18 and living in Auckland, informed the hospital that she had been born in Fiji and had come to New Zealand four years previously, meaning a birth date of 1870 or 1871. A single woman, with no occupation, the cause of her being

³⁴¹ Birth Certificate of Margaret Green, 4 December 1865, 1865/10047, BDM.

³⁴² Police Court, *New Zealand Herald*, 19 January 1897, p. 3.

³⁴³ Belinda Norris to Philip Hart, 28 June 2016, email.

³⁴⁴ Police Court, *New Zealand Herald*, 2 October 1886, p. 2; Supreme Court, *New Zealand Herald*, 15 October 1886, p. 3.

³⁴⁵ Belinda Norris to Philip Hart, 28 June 2016, email.

³⁴⁶ Marriage Certificate of Evelyn Isherwood and Joseph R. Cain, 8325/1904; Death Certificate of Evelyn Crane, 10543/1910, New South Wales BDM.

³⁴⁷ Marriage Certificate of Ellen Isherwood, 25 November 1892, 1892/2917; Death Certificate of Ellen Stack, 1940/28931, BDM; *New Zealand Police Gazette*, 20 April 1892, p. 65.

³⁴⁸ Waiokaraka School Class Lists, June 1884, YCAF 4135/13a, ANZ-A.

³⁴⁹ *New Zealand Police Gazette*, 20 April 1892, p. 65.

admitted to hospital was syphilitic ulcers.³⁵⁰ In December 1891, Auckland police claimed that Alice Mackay and her sister Nellie Green were prostitutes, but as reputedly Nellie 'had been living a better life for the past few months' the magistrate dismissed her 'with the caution that if she lived in a disreputable house she was answerable for it'.³⁵¹ At the end of that month, as Ellen Clara Isherwood, Nellie was charged with having no lawful means of support, to which she pleaded not guilty. Three detectives gave evidence that she was a prostitute who had been living in Cook Street for the past six weeks.

Alexander Mackay, brother-in-law of defendant, deposed that he had for the past few weeks supported the accused, and that he had not witnessed any misconduct on her part. Accused no doubt had been seen in town with a man named Cartwright, to whom she was about to get married. His Worship said he put the evidence of Mackay on one side as totally worthless, and sentenced accused to three months imprisonment with hard labour.³⁵²

Although there would be no Cartwright-Isherwood marriage, in November 1892, aged 21, and recording her name as Ellen Isherwood, she married a labourer, Phillip John Samways, five years her senior, in the registry office at Paeroa.³⁵³ They would have five children but divorced in 1925 because he had deserted her.³⁵⁴ Later in the same year she remarried, dying in Wellington in 1940, aged 65.³⁵⁵

(Samways' namesake son served in the First World War, but his service was mainly notable for the number of times he was in trouble for

³⁵⁰ Auckland Hospital, Register of Patients 1884-1893, folio 156, ZAAP 15288/1a, ANZ-A.

³⁵¹ Police Court, *Auckland Star*, 12 December 1891, p. 5.

³⁵² Police Court, *New Zealand Herald*, 31 December 1891, p. 3.

³⁵³ Marriage Certificate of Phillip Samways and Ellen Isherwood, 25 November 1892, 1892/2917, BDM.

³⁵⁴ Birth Certificates of Jeny May Samways, 1894/4350; Phillip John Samways, 1895/9090; Henry George Samways, 1897/8084; Rose Evelyn Samways, 1900/2139; Robert Arthur Samways, 1906/5983, BDM; Divorce Register 1924-1925, folio 159, no. 2787, BBAE 4446/8b; Divorce Files, BBAE 4984/2787, ANZ-A.

³⁵⁵ Marriage Certificate of Ellen Samways and Edmund John Stack, 1925/8300; Death Certificate of Ellen Stack, 1940/28931, BDM.

being absent without leave.³⁵⁶ Another son acquired a reputation as a young criminal.³⁵⁷ As in September 1885 he was described by the press as ‘a lad’, it is just possible it was another Phillip Samways, alias George Harris, who was accused of stealing a diamond ring from a Lower Hutt hotel; the Supreme Court jury found him not guilty.³⁵⁸ If William and Charles were his brothers, he was a member of a family noted for being drunk and disorderly.)³⁵⁹

According to school records, Thomas Green (also known as David Thomas or Thomas David) was born in March 1876.³⁶⁰ Like his sister Ellen, his schoolteacher did not present him for the annual examination in 1884, not just because he had attended for only two months but because he, also, was ‘Demented’.³⁶¹ In July 1887, David Thomas Green, variously recorded as being aged either 10 or 14 years and 5 months,³⁶² was committed to the industrial school at Kohimarama in Auckland by the Cambridge magistrate.³⁶³ ‘His father made the application, and said the lad was beyond his management’.³⁶⁴ When entering this school, the register admissions recorded that he ‘was uncontrollable would not attend School, is uneducated has a tendency to steal, and has been Convicted of larceny’.³⁶⁵ In 1888, ‘David Thomas Green, a small boy, who escaped from Kohimarama

³⁵⁶ Phillip John Samways, First World War, Army Department, AABK 18805, W 5550, no. 0101578, [6/2360], ANZ-W.

³⁵⁷ *Evening Post*, 17 June 1930, p. 10.

³⁵⁸ *Evening Post*, Magistrate’s Court, 29 September 1885, p. 2, Magistrate’s Court, 1 October 1885, p. 3, Supreme Court, 6 October 1885, p. 2.

³⁵⁹ *Auckland Star*, 4 November 1889, p. 3, 6 November 1889, p. 5, 13 November 1889, p. 8; *New Zealand Herald*, 5 July 1892, p. 3, 10 January 1893, p. 3.

³⁶⁰ Waiokaraka School Class Lists, June 1884, YCAF 4135/13a, ANZ-A; see also Death Certificate of Thomas Green, 1945/17593, BDM.

³⁶¹ Waiokaraka School Class Lists, June 1884, YCAF 4135/13a, ANZ-A.

³⁶² Auckland Industrial School, Admissions Register, Boys, 1882-1890, folio 294, BAAA 1955/2, ANZ-A; Industrial Schools Nominal Rolls, Kohimarama, folio 7, Child Welfare Department, CW 14/9, ANZ-W.

³⁶³ Auckland Industrial School, Admissions Register, Boys, 1882-1890, folio 294, BAAA 1955/2, ANZ-A.

³⁶⁴ *Waikato Times*, 23 July 1887, p. 2.

³⁶⁵ Auckland Industrial School, Admissions Register, Boys, 1882-1890, folio 294, BAAA 1955/2, ANZ-A.

School, and was arrested at Ellerslie, was sent back to the institution'.³⁶⁶ When committed to the Avondale asylum in August 1892, his name was registered as Thomas Green or Isherwood, and his age given as 15. The reason for his committal was hereditary imbecility, which had affected him for all his life. It was noted that there was also a male 'congenital idiot', unnamed, in the family,³⁶⁷ meaning Jimmy. 'He has been at school a long time, but knows nothing and cannot read. Both doctors say that he is idiotic and is becoming imbecile'. Three years later, he had 'no bad habits' but was 'easily taken advantage of': on two occasions another patient 'has been caught attempting Sodomy when Green remained perfectly passive'.³⁶⁸ He was noted as 'escaped and replaced' in April 1903.³⁶⁹ In October he attempted to commit sodomy 'several times' with another patient, but over the next year was not known to have attempted this again. In 1909 he was recorded as continuing to be imbecilic and childish but was in good health.³⁷⁰ He was moved to Kingseat Hospital in 1933, dying there in 1945, aged 68 according to his death certificate.³⁷¹

According to school records, George Green (the second son to be called George) was born in March 1877; like his two siblings who attended the same school, he was not presented for examination in 1884, but not, in his case, because he was 'demented'.³⁷² Two years later, he was an inmate in the Thames orphanage, aged eight years and 11 months in July 1886, giving another birth date. Once again, he was absent from the examination in the orphanage's school.³⁷³ He seems to have been the same person as George Roderick Green, who was convicted in January 1891 in Auckland of larceny, for which he was sentenced to 24 hours of hard labour. He had black hair, brown eyes, and a small nose, and was recorded as having been

³⁶⁶ *Auckland Star*, 20 January 1888, p. 4.

³⁶⁷ Avondale Asylum, Register of Admissions 1885-1896, no. 1808, YCAA 1021/2, ANZ-A.

³⁶⁸ Avondale Asylum, Case Book 1890-1892, folio 780, YCAA 1048/5, ANZ-A.

³⁶⁹ Avondale Asylum, Register of Admissions 1885-1896, no. 1808, YCAA 1021/2, ANZ-A.

³⁷⁰ Avondale Asylum, Case Book 1890-1892, folio 780, YCAA 1048/5, ANZ-A.

³⁷¹ Belinda Norris to Philip Hart, 28 June 2016, email; Death Certificate of Thomas Green, 1945/17593, BDM.

³⁷² Waiokaraka School Class Lists, June 1884, YCAF 4135/13a, ANZ-A.

³⁷³ Thames Orphanage School, Examination held on 5 July 1886, p. 104, YCAF 4135/19a, ANZ-A.

born in Coromandel in 1879,³⁷⁴ which confirmed the date recorded by the orphanage, and in 1878 a George Green had erected a bridge for the Coromandel Highway Board.³⁷⁵ In January 1892, George Roderick Isherwood, alias Green, as he now called himself, was sentenced to one month's imprisonment for larceny in Auckland. Although recorded with the same physical description with the addition of a dark complexion, his birth was now given as 'New Zealand', in 1876, and his size had increased from four feet seven and a half inches to four feet ten and a quarter inches.³⁷⁶ He had pleaded guilty to stealing a bridle and bit, valued at 7s 6d, and the police prosecutor described him as 'a confirmed young criminal'.³⁷⁷ He was not involved with the law again until 1897, when, with his sister Margaret, he accused a man of using insulting language, a charge withdrawn after the defendant apologized and paid the legal costs.³⁷⁸ In December 1900, his sister Alice (who had married Mackay) told an Auckland newspaper

that her brother, George Green, left Auckland about three months ago for Greymouth, in search of work, and as he was a fireman, and accustomed to mining work, she has reason to believe that he was the man who was burned to death in the Blackball mine, at Greymouth. He was about 22 years of age. She is naturally anxious for further information from Greymouth.³⁷⁹

He turned out to be a different man.³⁸⁰ In January 1902 he was living in Auckland.³⁸¹ Was he the George Green against whom charges of being drunk and using obscene language in an Auckland street were dismissed in

³⁷⁴ *New Zealand Police Gazette*, 11 February 1891, p. 31; Coromandel Vaccination Register 1874-1888, folio 13, no. 60, BACL 14480/1a, ANZ-A.

³⁷⁵ Coromandel Highway Board, contract between George Green and Coromandel Highway Board dated 29 July 1878; M. Horner to J.B. Gatland, Instruments 1868-1878, 12 December 1878, AAAE 15180/4a, ANZ-A.

³⁷⁶ *New Zealand Police Gazette*, 11 February 1891, p. 31, 9 March 1892, p. 34.

³⁷⁷ Police Court, *New Zealand Herald*, 18 January 1892, p. 3.

³⁷⁸ Police Court, *New Zealand Herald*, 19 January 1897, p. 3.

³⁷⁹ *Auckland Weekly News*, 14 December 1900, p. 29.

³⁸⁰ *Grey River Argus*, 3 December 1900, p. 3, 4 December 1900, p. 3.

³⁸¹ Commonwealth Contingent for Service in South Africa, Attestation no. 1404, copy provided by Belinda Norris, 29 June 2016.

April 1907 because the magistrate believed the policeman had misunderstood the words used?³⁸²

In August 1906, a warrant was issued at Te Aroha for the arrest of George Isherwood for failing to provide for the maintenance of the unborn illegitimate child of Maria Guilding, daughter of John William Richard Guilding.³⁸³ Now reportedly aged 25, he was a labourer and flaxmill hand with brown hair, a fair moustache, and one finger of the left hand missing. He had grown to five feet seven and a half inches. 'Offender sometimes goes under the name of Green'.³⁸⁴ This suggests he was the same person, despite varying ages and even though his hair was now recorded as brown not black. The police finally caught up with him in May 1910, when he was arrested at Taihape, but then discharged because Maria Guilding, having married, had had the warrant cancelled.³⁸⁵ However, he was a different person, for the police recorded that a brother was a photographer at Cambridge and another a flaxmill at Milton, in the South Island.³⁸⁶ The latter has not been traced in electoral rolls for that district, but the former has been: he was James Henry Alfred Lionel De Montaigne Montague Isherwood, son of a different father.³⁸⁷

Robert Green, the youngest child, attended the Thames Orphanage School in July 1886, when aged six. He was absent from the examination when the inspector visited in July.³⁸⁸ In September 1891, the Auckland police charged, Robert Isherwood, 'alias Green',³⁸⁹ aged either 10 years and

³⁸² Auckland Magistrate's Court, Criminal Record Book 1907, folios 218, 219, BADW 10254/51a, ANZ-A; Police Court, *New Zealand Herald*, 16 April 1907, p. 7.

³⁸³ See paper on his life.

³⁸⁴ *New Zealand Police Gazette*, 5 September 1906, p. 307.

³⁸⁵ Memorandum, n.d. [after 30 May 1910], Te Aroha Magistrate's Court, General Correspondence, BBAV 11584/6b, ANZ-A; *New Zealand Police Gazette*, 8 June 1910, p. 246.

³⁸⁶ *New Zealand Police Gazette*, 5 September 1906, p. 307.

³⁸⁷ Marriage Certificate of James Henry Alfred Lionel Montague Isherwood, 24 July 1899, 1899/3910, BDM; *Waikato Electoral Roll, 1905*, p. 50; *Waikato Electoral Roll, 1905, Supplement*, p. 13; Inquest, MICRO U 5495; Probate, AAOM 6029, W3265, box 402, no. 2766, ANZ-W.

³⁸⁸ Thames Orphanage School, Examination held on 5 July 1876, p. 104, YCAF 4135/19a, ANZ-A.

³⁸⁹ *New Zealand Police Gazette*, 29 December 1892, p. 211.

10 months or 11 years and one month,³⁹⁰ with being 'Found wandering about, and having no home or settled place of abode'.³⁹¹ His father 'had been badly hurt some time ago, and the little boy was in the habit of sleeping out at night'. The police 'understood that the father had some means, and acquiesced in having the boy committed to the Industrial School'. Robert was 'in the habit of wandering about the streets day and night, the mother was in Napier, she and her husband having separated'. He was committed to the Kohimarama industrial school.³⁹² He absconded in February 1892, was returned in April, once more absconding in October or November and being returned in December.³⁹³ He had got as far away as Helensville before the police captured him.³⁹⁴ He had left the school by 1896, without permission, because the police were trying to trace him in 1900, without success.³⁹⁵ In January 1902, giving his age as 21 and his permanent address as Auckland, Robert Isherwood, a labourer, enrolled in Sydney in the Commonwealth Contingent for Service in South Africa. A Catholic, he gave his brother George, then in Auckland, as his next of kin. He was five feet four inches tall and had blue eyes and brown hair.³⁹⁶ In 1912 he was admitted to the Liverpool Asylum for the Infirm and Destitute (in Sydney) but was discharged later the same year. He later moved to Brisbane, dying there in 1957 under the name Robert Alexander Isherwood.³⁹⁷

This was the family that Mackay married in to, presumably without knowing of their many failings and mental problems.

³⁹⁰ Auckland Magistrate's Court, Criminal Record Book 1892-1892, folio 104, BADW 10254/16a, ANZ-A; Industrial Schools Nominal Rolls, Kohimarama, folio 7, Child Welfare Department, CW 14/9, ANZ-W.

³⁹¹ Auckland Magistrate's Court, Criminal Record Book 1891-1892, folio 104, BADW 10254/15a, ANZ-A.

³⁹² Police Court, *New Zealand Herald*, 24 September 1891, p. 3.

³⁹³ Industrial Schools Nominal Rolls, Kohimarama, folio 7, Child Welfare Department, CW 14/9, ANZ-W.

³⁹⁴ *New Zealand Police Gazette*, 16 November 1892, p. 189, 29 December 1892, p. 211.

³⁹⁵ Industrial Schools, Register of Past Inmates 1883-1896, Auckland Industrial School, folio 219, Child Welfare Department, CW 15/1, ANZ-W.

³⁹⁶ Commonwealth Contingent for Service in South Africa, Attestation no. 1404, copy provided by Belinda Norris, 29 June 2016.

³⁹⁷ Belinda Norris to Philip Hart, 28 June 2016, email.

(As an aside, and to illustrate the problems faced in trying to trace these obscure people, another Ellen or Nellie Green was often in trouble with the law after November 1894, when this Ellen Green was charged with insulting language by a man who then withdrew the charge.³⁹⁸ In February 1898, Nellie Green was charged with using obscene language in Cook Street, and sentenced to three months, 'the sentence to be suspended during good behaviour'.³⁹⁹ 'Mrs Rowe gave a total denial that her daughter used obscene language', but her admission that she was deaf provoked laughter in court.⁴⁰⁰ The following month, Ellen Green alias Howard alias Rowe pleaded guilty to being drunk in Queen Street, was convicted and discharged.⁴⁰¹ In August 1901, Jennie Kerr and Nellie Green were charged with behaving 'in a threatening manner' in two central Auckland streets 'whereby a breach of the peace was occasioned', and both were fined £1.⁴⁰² Jennie Kerr, 'a young woman', unmarried and living with her mother in South Street, Newton, was attacked with a pair of scissors by a hawker from Switzerland after she had been living with him during the week before Christmas 1898. Claiming to have been attacked for 'breaking a box of beer open', she denied having been 'mad with drink' or breaking 'a lot of crockery' or putting her arm through a window. Her attacker claimed she had been 'very excited', smashing bottles and plates and throwing a bottle out the window; a doctor believed she had been cut by the broken pane of glass rather than by the scissors. The charge of assault was dismissed.⁴⁰³ In July 1901, the charge against her of keeping a brothel in Durham Street was withdrawn because she had left the premises, and in July, August, and October 1901, and February 1902 she was convicted of being drunk in various streets.⁴⁰⁴

³⁹⁸ Auckland Police Court, Criminal Record Book 1896, folio 338, BADW 10254/18a, ANZ-A.

³⁹⁹ Auckland Police Court, Criminal Record Book 1898, folio 49, BADW 10254/23a, ANZ-A; Police Court, *New Zealand Herald*, 15 February 1898, p. 6.

⁴⁰⁰ Police Court, *Auckland Star*, 14 February 1898, p. 2.

⁴⁰¹ Auckland Police Court, Criminal Record Book 1898, folio 94, BADW 10254/23a, ANZ-A.

⁴⁰² Police Court, *New Zealand Herald*, 22 August 1901, p. 7.

⁴⁰³ *Auckland Star*, Police Court, 5 January 1899, p. 5, 6 January 1899, p. 4; Police Court, *New Zealand Herald*, 6 January 1899, p. 3.

⁴⁰⁴ Auckland Magistrate's Court, Criminal Record Books 1901, folios 105, 115, 118, 130, 152, 192, BADW 10254/33a; 1901-1902, folios 41, 237, BADW 10254/34a, ANZ-A; Police Court, *Auckland Star*, 2 July 1901, p. 7, 5 July 1901, p. 3.

In the same August 1901 court case, Nellie Green, alias Rowe, was imprisoned for seven days for obscene language.⁴⁰⁵ Five feet high, she had a sallow complexion, black hair, grey eyes, a 'medium' nose, had one previous conviction, and had been born in New Zealand in 1871.⁴⁰⁶ The following February, when imprisoned for three months for vagrancy, the police recorded two aliases, Rowe and Howard, and her occupation as prostitute.⁴⁰⁷ Described as 'a young woman with several aliases', she was charged with being 'an idle & disorderly person in that she has insufficient lawful means of support'. After evidence was given to this effect by several policemen, she 'informed the Court that she had been brutally treated by her husband, and was practically driven on to the streets'. The Bench was unsympathetic, 'remarking that accused had a bad record'.⁴⁰⁸

When arrested, the press gave her name as Nellie Green, alias Chappell.⁴⁰⁹ The reason for this alias was explained in September 1903, when Henry Robert Chappell was accused of willfully breaking a window in Nellie's Grey Street house and using obscene language against her, his 'statement was to the effect that he had previously lived with complainant. On the occasion in question both had indulged in drink'.⁴¹⁰ Accused in mid-October of using provoking language, Nellie consented to be bound over to keep the peace for six months.⁴¹¹ Henry Chappell had been fined £1 two years previously, for using insulting language, and earlier in September 1903, being a repeat offender, was fined £1 for fighting in the street.⁴¹² He was a wharf labourer in March 1905, when he complained that a woman had robbed him when he was partly drunk. In response, the woman stated he had

⁴⁰⁵ Auckland Magistrate's Court, Criminal Record Book 1901, folio 189, BADW 10254/33a, ANZ-A; Police Court, *New Zealand Herald*, 22 August 1901, p. 7.

⁴⁰⁶ *New Zealand Police Gazette*, 11 September 1901, p. 217.

⁴⁰⁷ Auckland Magistrate's Court, Criminal Record Book 1901-1902, folio 240, BADW 10254/34a, ANZ-A; *New Zealand Police Gazette*, 21 May 1902, p. 139.

⁴⁰⁸ Auckland Magistrate's Court, Criminal Record Book 1901-1902, folio 240, BADW 10254/34a, ANZ-A; Police Court, *New Zealand Herald*, 6 February 1902, p. 7.

⁴⁰⁹ *New Zealand Herald*, 5 February 1902, p. 4.

⁴¹⁰ Police Court, *Auckland Star*, 24 September 1903, p. 5; Police Court, *New Zealand Herald*, 25 September 1903, p. 6.

⁴¹¹ Auckland Magistrate's Court, Criminal Record Book 1903, folios 191, 204, BADW 10254/39a, ANZ-A.

⁴¹² Police Court, *New Zealand Herald*, 12 September 1901, p. 7; Police Court, *Auckland Star*, 12 September 1903, p. 5.

knocked her down in Victoria-street and tried to steal her money'; the magistrate believed her account and dismissed his case.⁴¹³ Four months later, this 'young man' was charged 'with being a rogue and vagabond, having been found without lawful excuse' under a house in Freeman's Bay. As the magistrate 'found that such a place was not an enclosed space within the meaning of the Vagrancy Act', the charge was dismissed.⁴¹⁴ In March 1906, in what a newspaper described as 'A Revolting Case', Robert Henry Chappell was charged with being a rogue and vagabond who 'had for some time been living on the proceeds of a woman's prostitution', and sentenced to 12 months' hard labour.⁴¹⁵ Three month after his sentence expired, he was charged with indecently assaulting a married woman, and received another three months' imprisonment.⁴¹⁶ The following year, after admitting he had 'transgressed the laws of propriety' but 'pleaded a clouded intellect' as a contributing factor, the prohibition order against him was renewed and he was ordered to come up for sentence when called on.⁴¹⁷ In 1910, when he was described as 'an old offender', he received two years for theft, receiving, and false pretences.⁴¹⁸ Thereafter he reformed, not being before the courts again.

In September 1905, when Nellie was sentenced to another three months for being 'an idle and disorderly person in that she has insufficient lawful means of support', she pleaded guilty and received three months' hard labour.⁴¹⁹ Her occupation was recorded as prostitute and her names as 'Ellen Green alias Nellie alias Rowe alias Howard'.⁴²⁰ The press headlined her case and that of others in the same occupation as 'Unfortunate Women'.⁴²¹ Ellen Green, pleaded guilty to using obscene language in Albert Street in the following February, but having been provoked by a man assaulting her, she was convicted and ordered to come up for sentence when called on, in the

⁴¹³ Police Court, *Auckland Star*, 14 March 1905, p. 2; Police Court, *New Zealand Herald*, 15 March 1905, p. 7.

⁴¹⁴ Police Court, *Auckland Star*, 8 July 1903, p. 4.

⁴¹⁵ Police Court, *Auckland Star*, 5 March 1906, p. 5.

⁴¹⁶ Police Court, *Auckland Star*, 12 June 1907, p. 2, 15 June 1907, p. 5.

⁴¹⁷ Police Court, *Auckland Star*, 13 April 1908, p. 5.

⁴¹⁸ Supreme Court, *Auckland Star*, 22 November 1910, p. 5.

⁴¹⁹ Auckland Magistrate's Court, Criminal Record Book 1905, folio 227, BADW 10254/45a, ANZ-A.

⁴²⁰ *New Zealand Police Gazette*, 20 December 1905, p. 454.

⁴²¹ Police Court, *New Zealand Herald*, 7 September 1905, p. 7.

meantime being sent to the Salvation Army 'rescue home' for three months.⁴²² In July following year, when still a prostitute, as Nellie Green she received six months for using obscene language in Queen Street.⁴²³ A detective 'said the woman was one of the unfortunate class. She had several times been before the Court, and had then been dealt with leniently. She had been in the Salvation Army Home' for six months. Her sentence reflected the Bench's view that dealing lightly with her had been of no use.⁴²⁴ Released on 28 December 1906, on 5 January 1907 'Helen Green' was before the court for having been on private premises without lawful excuse, convicted, and ordered to come up for sentence when called upon, again on condition she spent six months in the Salvation Army Home.⁴²⁵ This was not to her liking, for three days later, Nellie Green alias Rowe alias Howard was before the court again because she had not behaved herself there. Charged with being a 'rogue and vagabond', meaning prostitute, she was sentenced to 12 months because she had already served several terms for vagrancy.⁴²⁶ Released on 1 November, on 12 November she was charged with stealing 8s 6d from a man who had shouted her drinks in an Auckland hotel. She ran off with the change, and shortly afterwards was arrested with it still on her. 'His Worship described the accused's record as a shocking one', and sentenced her to three months' hard labour.⁴²⁷ Two days after leaving gaol in February 1908, she was 'found at night without lawful excuse' on private premises and sentenced to six months' hard labour.⁴²⁸ When the police prosecutor commented that 'her record was bad, and her excuse most improbably', she responded that she

⁴²² Auckland Magistrate's Court, Criminal Record Book 1905-1906, folio 140, BADW 10254/47a, ANZ-A; *Auckland Star*, 28 February 1906, p. 4; Police Court, *New Zealand Herald*, 1 March 1906, p. 7.

⁴²³ Auckland Magistrate's Court, Criminal Record Book 1906, folio 89, BADW 10254/49a, ANZ-A; *New Zealand Police Gazette*, 16 January 1907, p. 29.

⁴²⁴ Police Court, *New Zealand Herald*, 20 July 1906, p. 7.

⁴²⁵ Police Court, *New Zealand Herald*, 5 January 1907, p. 7.

⁴²⁶ Police Court, *New Zealand Herald*, 9 January 1907, p. 5; *New Zealand Police Gazette*, 16 January 1907, p. 29, 13 November 1907, p. 455.

⁴²⁷ Auckland Magistrate's Court, Criminal Record Book 1907-1908, folio 23, BADW 10254/54a, ANZ-A; Police Court, *New Zealand Herald*, 13 November 1907, p. 5; *New Zealand Police Gazette*, 13 November 1907, p. 455, 26 February 1908, p. 102.

⁴²⁸ Auckland Magistrate's Court, Criminal Record Book 1908, folio 6, BADW 10254/55a, ANZ-A; *New Zealand Police Gazette*, 26 February 1908, p. 102; Police Court, *Auckland Star*, 17 February 1908, p. 5.

*had gone to see the lady next door, and protested vigorously against the endeavour of the police to “spoil her reputation”’, prompting the magistrate to declare ‘that homes were not for women such as defendant, who showed no possibility of reforming’.*⁴²⁹ *Just over a week later, she died of a heart attack; she was only 37, and her death certificate recorded her full name as Ellen Walker Green and her parents as Robert and Cecilia Walker.)*⁴³⁰

MARRIAGE AND FAMILY

When a mature woman, Alice Mackay was described as being five feet and six inches in height, with a fair complexion, light brown hair, brown eyes, a large nose, and two large moles on her back.⁴³¹ According to her age as given in her death certificate, she was 16 when she married Mackay in February 1876, although it recorded that she had married when aged 18.⁴³² Her marriage certificate gave her age in 1876 as 16.⁴³³ She kept lowering her age; in 1892, when she would have been 32, she said she was born in 1863, making her three years younger (and therefore 13 when she married).⁴³⁴ The reason why she was married in haste at this very young age to someone at least 23 or 26 years older was because she was over two months pregnant: their first child, Alexander, was born at Manaia in September 1876, seven and a half months after their marriage. Although his birth was not registered, his death was: he died one month later, at Opukeko, Ohinemuri, of ‘convulsions and general debility’.⁴³⁵ On 10 November 1877, Roderick George was born; he would live until 1943.⁴³⁶ In

⁴²⁹ Police Court, *New Zealand Herald*, 18 February 1908, p. 7.

⁴³⁰ Death Certificate of Ellen Walker Green, 27 February 1908, 1908/668, BDM; Inquest, Justice Department, J 46, COR 1908/242, ANZ-W; *Auckland Star*, 28 February 1908, p. 5.

⁴³¹ *New Zealand Police Gazette*, 27 January 1892, p. 13.

⁴³² Death Certificate of Hales Bridget Hadfield, 25 January 1942, 1942/16967, BDM.

⁴³³ Notices of Intentions to Marry 1876, p. 201, Births Deaths and Marriages, BDM 20/21, ANZ-W; Marriage Certificate of Alexander Mackay and Alice Green, 11 February 1876, 1876/935, BDM.

⁴³⁴ *New Zealand Police Gazette*, 27 January 1892, p. 13.

⁴³⁵ Death Certificate of Alexander Mackay, 24 October 1876, 1876/3670, BDM.

⁴³⁶ Coromandel Vaccination Register 1874-1888, folio 13, no. 60, BACL 14480/1a; Auckland Police Court, Criminal Record Book 1891-1892, folio 147, BADW 10254/15a, ANZ-A; Industrial Schools, Nominal Rolls, folio 29, Child Welfare, CW 14/9, ANZ-W; Police

June 1879, Elizabeth, later known as Elizabeth Evelyn, was born at Hamilton.⁴³⁷ Ruth Maud was born at Paeroa in 1881.⁴³⁸ Jessie May was born at Papakura in May 1883.⁴³⁹ Another daughter, Helie, was born at Thames in July 1885; she was later known as Cissy.⁴⁴⁰ A second Alexander was born at Cambridge in June 1887, but was baptized as Robertus Alexander.⁴⁴¹ William James was born in July 1889, at Paeroa.⁴⁴² Whether the children were lucky with having these parents was questionable; one newspaper's headline described them as 'Unfortunate Children'.⁴⁴³ Puzzlingly, in an October 1886 court case Mackay referred to 'a mate, son of witness's, named Arnold', who had died in that year;⁴⁴⁴ as there is no record of either the birth or death of an Arnold Mackay, the report may have been a muddled reference to a son of one of the other witnesses.

Despite this number of children, it was an unhappy marriage, in part because of Mackay's fondness for strong drink. For instance, in May 1881 he gave evidence in a case of sly grog selling in Waihi, unsuccessfully claiming that the drink was given for free, not paid for.⁴⁴⁵ In March 1882, when Alice charged him with failing to support her and their three children, she told the magistrate that she had been living with her parents for the past six months, during which time he had given her only 30s, and that three months previously. Speaking directly to Mackay, she said that her father had 'supported me for a long time. You did not pay any bills to the tradesmen'. In response to the magistrate's question, she denied getting 'credit in her husband's name with any Paeroa tradesmen. She knew he had had money for the past few months, but could not say how much'. Her

Court, *New Zealand Herald*, 15 April 1910, p. 7; Marriage Certificate of Roderick George Mackay, 1903/538; Death Certificate of Roderick George Mackay, 1943/25939, BDM.

⁴³⁷ Birth Certificate of Elizabeth Mackay, 28 June 1879, 1879/14739, BDM; Auckland Police Court, Criminal Record Book 1891-1892, folio 147, BADW 10254/15a, ANZ-A.

⁴³⁸ Birth Certificate of Ruth Maud Mackay, 26 June 1881, 1881/6188, BDM.

⁴³⁹ Birth Certificate of Jessie May Mackay, 3 May 1883, 1883/5785, BDM.

⁴⁴⁰ Birth Certificate of Helie Mackay, 12 June 1885, 1885/5643, BDM; Auckland Police Court, Criminal Record Book 1891-1892, folio 147, BADW 10254/15a, ANZ-A.

⁴⁴¹ Birth Certificate of Alexander Mackay, 20 June 1887, 1887/14056, BDM; Jan Saxton to Philip Hart, 12 July 2016, email.

⁴⁴² Birth Certificate of William James Mackay, 2 July 1889, 1889/7875, BDM.

⁴⁴³ Police Court, *New Zealand Herald*, 12 December 1891, p. 3.

⁴⁴⁴ Police Court, *New Zealand Herald*, 2 October 1886, p. 6.

⁴⁴⁵ Paeroa Magistrate's Court, *Thames Star*, 31 May 1881, p. 2.

mother, who had been living at Paeroa until three weeks previously, gave evidence that Mackay had 'not supplied anything' to support Alice. 'He had frequently been asked to do so, but had refused'. Alice 'came down from Paeroa with her against Mackay's wish. She did so because her parents were coming, and she had no other place to go to. She also desired to get employment'. Mackay denied the charge, 'said he was willing to support his wife if he could get rid of the whole family', and claimed to have given her £5 a few weeks previously. 'He had been paying bills to support the whole family for several months. He had now rented a house, which he was willing to provide and to take his wife to. – His Worship advised the complainant to accept this offer. – The case would be adjourned for a month to enable them to settle the matter'.⁴⁴⁶ They did not return to court and resumed living together, having another five children.

In December 1891, after disturbances in Cook Street,

Chief-detective Kirby visited a house occupied by a Mrs Mackay and her sister Nellie Green. He found that the occupants had been turned out of the house and the windows were nailed. Two dirty mattresses were in an out shed, and lying huddled together on these were six half-naked children. The mother told Mr Kirby that she was about to move to another house. Later on when the detectives visited the house, the women and children had disappeared, but a man was lying there in an inebriated condition. The detectives then went to a house in Chapel-street, where they found the women and also a man. The six children were lying on the bare floor covered with a portion of an old blanket. There were no signs of any food in the house nor was there any furniture beyond a small table. Under the circumstances, the children were taken to the Police Station.⁴⁴⁷

Consequently, the Auckland police charged the six children with having been 'found dwelling with a person known to be a prostitute'.⁴⁴⁸ The list of children, ranging in age from 12 to 2, gave Helie's name as Cissy, did not include Alexander, and incorrectly recorded Roderick George as Robert George. The prosecutor stated that they 'had been found by the detectives about 10 p.m. on the previous night in a house in Chapel-street, with their

⁴⁴⁶ Police Court, *Thames Advertiser*, 4 March 1882, p. 3.

⁴⁴⁷ *Auckland Star*, 11 December 1891, p. 4.

⁴⁴⁸ Auckland Police Court, Criminal Record Book 1891-1892, folio 147, BADW 10254/15a, ANZ-A.

mother [and] her sister, both well-known prostitutes, and a man'.⁴⁴⁹ This was part of an area containing many of Auckland's brothels, which had been a source of public concern for some time.⁴⁵⁰ A lawyer appearing on behalf of Mackay announced that he 'would be able to produce satisfactory evidence that the children had been neglected by their mother, and not by their father'. When the Bench asked how the children would be taken care of while the case was adjourned overnight, the prosecutor stated that there was 'no other accommodation for them than the cells. The Bench inquired if the father could not take care of them till next day'. The police response was that 'he had, apparently, not taken care of them before, judging from the state they were in'. When Mackay's lawyer responded that Mackay 'would take care of them, and keep them away from the mother', as the prosecutor objected they were sent to the cells for the night.⁴⁵¹

The following day, in what a newspaper described as 'a distressing state of affairs',⁴⁵² Alice was charged with having kept 'a disreputable house' within the past six weeks, in Cook Street, of which Nelly Green was charged with being an inmate. Mackay's lawyer appeared for both defendants, who pleaded not guilty; Inspector Thomas Broham prosecuted them:

He stated that the house was a very disorderly one, and the neighbourhood was much disturbed by its inmates. Sergeant Donovan deposed that about one o'clock on the morning of the 8th inst, he visited the house, as he had heard there was a disturbance there. He found about 50 people in the street, and a number of children in the house. There were six of them. They were half-dressed. Four little girls had been lying in one corner, and two boys about 14 years of age were running about. These boys were nephews of the woman Mackay. All the windows, both in the front and the rear, were broken. There was no furniture in the house, not even a chair, and there was no bedding. There were some pieces of blanket in the corners where the children slept, and an old mattress on which the two defendants slept. The woman Green bore a bad character.⁴⁵³

⁴⁴⁹ Police Court, *New Zealand Herald*, 12 December 1891, p. 3.

⁴⁵⁰ For example, *Observer*, 28 September 1889, pp. 10, 11, 5 October 1889, pp. 10, 18, 12 October 1889, pp. 5, 15.

⁴⁵¹ Police Court, *New Zealand Herald*, 12 December 1891, p. 3.

⁴⁵² Police Court, *Auckland Star*, 12 December 1891, p. 5.

⁴⁵³ Police Court, *New Zealand Herald*, 14 December 1891, p. 3.

In another account, Donovan mentioned that the children were crying, and that the two women 'had only been in that house about eight or nine days'.⁴⁵⁴

In reply to questions from Mackay's lawyer, Donovan 'did not know that Nelly Green had reformed. When he went to the house the defendants were not drunk, but they had had some drink'.⁴⁵⁵ He had known Green 'to be keeping a house of ill-fame. He could not say that Mrs Mackay was in that house, but her children were about the house. He was aware that they had been to the Thames with Mr Mackay, and had not long returned. When he visited Mrs Mackay's house on Tuesday morning', after the disturbance on the previous night, 'she and her sister appeared to have had some drink. Could not say whether another woman was the sole cause of the disturbance on that occasion'.⁴⁵⁶

Several neighbours gave evidence 'as to the character of the house', one describing a 'row' on the evening of 7 December, caused by a woman outside the house, starting at about six o'clock. There was then

a lull until about ten, when it started with renewed vigour, and lasted till after one in the morning. On the following evening there was a cry of murder. Several persons entered the house. A number of children were lying about like dogs, and a woman, half dressed, was struggling in a hysterical manner with two men. Another woman was lying on the floor. He could not say that the occupants were drunk. There had been no rows since. The defendants were not living at the house at present.⁴⁵⁷

Another version was that the witness

heard the children screaming murder, and thinking something was wrong, he, with others, went into the house. He saw a woman half naked, apparently in hysterics, and two men trying to lay her on the floor. The children were lying round on the floor like dogs, and the house was in a most disreputable state. They ordered one of the "gentlemen" to leave the house, and things were a little quieter. A second female was in the room. She was lying on the floor. They seemed all to be in an excitable state. Mr Mackay was one of the men.

⁴⁵⁴ Police Court, *Auckland Star*, 12 December 1891, p. 5.

⁴⁵⁵ Police Court, *New Zealand Herald*, 14 December 1891, p. 3.

⁴⁵⁶ Police Court, *Auckland Star*, 12 December 1891, p. 5.

⁴⁵⁷ Police Court, *New Zealand Herald*, 14 December 1891, p. 3.

He 'believed one woman was the cause of all the disturbance. Mr Mackay was trying to quieten his wife, who seemed to be hysterical'. Another witness 'deposed to the continued disorder in the house. There were disturbances almost every night. He knew that if these women had not encouraged a man on their premises, that woman's wife would not have broken the windows'.⁴⁵⁸ One witness stated that Mackay, 'who was working at the Thames, had informed him that he was continually sending money. He also supplied goods for the home, but these things were, as a rule, pawned'.

Detective Kirby deposed that a little over a week ago he visited the place and found six children there in a half-naked condition. Mrs Mackay asked him what she could do to make her husband contribute to the support of the children, and said that if it had not been for Miss Green they would starve. Witness came again shortly afterwards and found Mr Mackay in the house in company with a boy of about fourteen. The man was under the influence of drink. On the same evening he visited a two-roomed house in Chapel-street, and there found the two defendants and six children. These latter were lying in the front room, covered with an old piece of blanket and a piece of sheeting.

Another detective stated 'that he had intended to arrest the children some months ago, but they had cleared out to the Thames'.

Alexander Mackay deposed that the house in Cook-street was taken in his name. He was a miner, and lived as a rule at the Thames. On the evening of the row referred to, he had given his wife some drink, and she became hysterical. He and the man Hadfield had some trouble in getting her to bed. This was no doubt what caused the witnesses to think there was a row. He had supplied £15 in cash since November to his wife. Besides this, she had money of her own. He had made up his mind to take his wife and family to Ohinemuri, and therefore did not care to have the house in Cook-street properly furnished. He was quite able to take care of his wife and family. The children had three good mattresses to sleep on, and plenty of blankets.

Alice then 'gave evidence similar to that given by her husband. Her sister had been a reformed character for some time past. If the children had

⁴⁵⁸ Police Court, *Auckland Star*, 12 December 1891, p. 5.

been a little neglected, it was her fault, and not the fault of her husband'. The magistrate considered that the charge of keeping a disorderly house had been 'fully proved', and fined Alice 40s and costs of 10s, or in default seven days imprisonment. He dismissed the charge against Nellie because there was 'no distinct evidence' that she had been 'directly connected with the disturbance', and there was 'some evidence to show that she had reformed lately'.⁴⁵⁹ She was cautioned. Unable to pay more than £1 5s (presumably because Mackay refused to contribute), Alice was imprisoned on 30 December.⁴⁶⁰

Also in December, the police sought the committal of Mackay's children (Alexander was not listed, and Roderick George was recorded as Robert George) to the industrial school because they were neglected and living in 'a disreputable house'. A detective gave evidence that they 'were exposed to contaminating influences' because at the Abercrombie Street house, where they were living, 'men were continually seen, and drink was freely taken'. Mackay's lawyer responded that this evidence 'only referred to a period of about one month, during which time the husband was absent. Mackay was quite prepared to make a comfortable home for the children'. The magistrate decided to 'hand over the children to the care of their father. The disreputable conduct referred to did not appear to be habitual, and the usual method in which the family lived seemed to be more satisfactory'.⁴⁶¹

When Mackay was before the same court for fighting later that month, 'Inspector Broham stated that the man Mackay had promised the Court some days ago to take his wife and family to the Thames, where he said he had a comfortable home. On the strength of this promise the Bench decided not to commit the children to the Industrial School. The promise had not been carried out', and the behaviour in Cook Street continued to be 'a scandal to the neighbourhood'.⁴⁶² He was fined 31s, in default seven days' imprisonment, and because he could not pay the money at one was imprisoned briefly.⁴⁶³ By now the magistrate had no time for Mackay, and when the latter tried to defend Nellie against a renewed charge of being a

⁴⁵⁹ Police Court, *New Zealand Herald*, 14 December 1891, p. 3.

⁴⁶⁰ Auckland Police Court, Criminal Record Book 1891-1892, folio 147, BADW 10254/15a, ANZ-A; *New Zealand Police Gazette*, 27 January 1892, p. 13.

⁴⁶¹ Auckland Police Court, Criminal Record Book 1891-1892, folio 147, BADW 10254/15a, ANZ-A; Police Court, *New Zealand Herald*, 14 December 1891, p. 3.

⁴⁶² Police Court, *New Zealand Herald*, 24 December 1891, p. 3.

⁴⁶³ *New Zealand Police Gazette*, 13 January 1892, p. 6.

prostitute he 'put the evidence of Mackay on one side as totally worthless'.⁴⁶⁴ On the day that their mother was imprisoned, five of his children, excluding Helie, were charged with residing with a person known to be a prostitute and committed to St Mary's Industrial School at Ponsonby until each turned 15. They were to be brought up as Catholics, and Mackay was required to pay £1 each week towards their maintenance.⁴⁶⁵ Later, Mackay would claim, falsely, that it was 'on his own application' that they had been committed.⁴⁶⁶ Mackay's lawyer 'stated that Father Hackett was prepared to take charge of three of the children, whilst a Mrs Wright, a highly respectable woman, wished to have the custody of the two youngest'; despite these offers, all were committed to industrial schools.⁴⁶⁷ The three girls went to St Mary's in Ponsonby, and the boys, Robert George being 'Registered as Alexander' (originally he had been Robert Alexander), to St Mary's, at Stoke, Nelson.⁴⁶⁸

Mackay had been married in the Catholic Church at Thames,⁴⁶⁹ presumably to please Alice, whose sister Nellie was also a Catholic,⁴⁷⁰ and all the children were brought up as Catholics.⁴⁷¹ Being a Catholic was unusual for the Green family, for her father had been married by a Wesleyan minister and did not have a Catholic funeral,⁴⁷² and her brothers

⁴⁶⁴ Police Court, *New Zealand Herald*, 31 December 1891, p. 3.

⁴⁶⁵ Auckland Police Court, Criminal Record Book 1891-1892, folio 159, BADW 10254/15a, ANZ-A.

⁴⁶⁶ Alexander Mackay to A.J. Cadman, 29 June 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W; 'Reports of Public Petitions A-L Committee', *AJHR*, 1901, I-1, p. 6.

⁴⁶⁷ Police Court, *New Zealand Herald*, 31 December 1891, p. 3.

⁴⁶⁸ Industrial Schools, Nominal Rolls, folios 13, 29, Child Welfare Department, CW 14/9, ANZ-W.

⁴⁶⁹ Notices of Intentions to Marry, 1876, folio 201, Births Deaths and Marriages, BDM 20/21, ANZ-W.

⁴⁷⁰ Auckland Hospital, Register of Admissions 1884-1893, folio 156, ZAAP 15288/1a, ANZ-A.

⁴⁷¹ Industrial Schools, Nominal Rolls, folios 13, 18, 29, Child Welfare Department, CW 14/9, ANZ-W.

⁴⁷² Marriage Certificate of George Green, 1 April 1858, 1858/1099, BDM; *New Zealand Gazette*, 26 January 1858, p. 6; Death Certificate of George Isherwood, 13 October 1893, 1893/5293, BDM.

were not Catholic.⁴⁷³ From 1898 onwards, all evidence of Mackay's religious preference indicated that he was a Presbyterian or Methodist.⁴⁷⁴ Was religious disagreement another cause of conflict between husband and wife? If so, it would not have been a permanent issue, for she died an Anglican.⁴⁷⁵

In April 1892, Mackay failed to appear in the Paeroa court on a charge of being drunk in the street:

Constable Mitchell stated that he had asked defendant on [the] day in question what steps he intended to take in regard to the payment of the £14 he owed for the support of his four children at the Industrial School. Mackay prevaricated, saying he had not received his railway pay, which witness found to be untrue. He had spent all the cash he received in drink.⁴⁷⁶

In October, when again charged with drunkenness, he referred to one of his daughters, 'a little over 6 years of age', meaning Helie. 'My little girl was up the Waihou river at my own place, her aunt looked after her. The aunt's name is Nelly Isherwood', and she 'came to me from Mt Eden gaol where she had been for 3 months'.⁴⁷⁷ She had really spent two months there, but why a five-year-old was imprisoned was not explained.⁴⁷⁸ Clearly the authorities did not consider a drunken father and an aunt who was a prostitute to be suitable caregivers, for in November Helie was charged with 'Having no means of subsistence' and committed to the Thames orphanage.⁴⁷⁹ Later she rejoined her sisters, living at the Ponsonby

⁴⁷³ Auckland Industrial School, Admissions Register, Boys, 1882-1890, folio 294, BAAA 1955/2; Auckland Police Court, Criminal Record Book 1891-1892, folio 104, BADW 10254/15a, ANZ-A.

⁴⁷⁴ Death Certificate of Anne Bredalbane Mackay, 1 March 1898, 1898/7007, BDM; Auckland Hospital, Register of Admissions and Discharges 1913-1915, folio 175, YCAB 15266/1a, ANZ-A; Death Certificate of Alexander Mackay, 1 October 1918, 1918/7006, BDM.

⁴⁷⁵ Death Certificate of Hales Bridget Hadfield, 25 January 1942, 1942/16967, BDM.

⁴⁷⁶ *Ohinemuri Gazette*, 16 April 1892, p. 5.

⁴⁷⁷ Evidence of Alexander Mackay, 14 October 1892, Paeroa Magistrate's Court, Notes of Evidence 1884-1892, ZAAP 13790/1a, ANZ-A.

⁴⁷⁸ *Thames Star*, 21 November 1892, p. 2.

⁴⁷⁹ Thames Magistrate's Court, Criminal Record Book 1889-1893, entries for 21 November 1892, 24 November 1892, BACL 13736/2a, ANZ-A; Industrial Schools, Nominal Rolls,

industrial school until 1906.⁴⁸⁰ As each child turned 15, they were ‘written off’.⁴⁸¹ The two boys, who had not done well at school, were sent ‘to service under guardianship’.⁴⁸²

Mackay’s occasional drunken binges were both a drain on his finances and a strain on his marriage. Perhaps he was the Alexander McKay who was fined for being drunk in Auckland in 1867.⁴⁸³ In April 1892, after the evidence about his being drunk and disorderly in Paeroa proved that he was spending all his money on drink, he was fined 10s and costs.⁴⁸⁴ In October that year, when again charged with drunkenness, the local constable, Alfred James Mitchell, stated that on the last day of September he saw Mackay in Paeroa ‘on several occasions’ in the hotels and had ‘reason to believe that he was turned out of Crosby’s hotel by the landlord, who told him he would not have loafers there. In the evening I saw him coming out of Crosby’s hotel, he was then unmistakably drunk. I have no doubt whatever that during the whole day’ Mackay ‘was the worse for liquor’, and reminded the magistrate that Mackay had been convicted of drunkenness six months’ previously. Cross-examined by Mackay, Mitchell said he saw him in a drunken state at about 7.30 in the evening. ‘I approached you and you went into Powers house, had you not gone in I should have arrested you’. A shoemaker told Mackay he had ‘no doubt that he was drunk’, but considered that ‘about 3 p.m. when Crosby turned you out was I think your worst time’. He did not know ‘whether Crosby had hold of you, but he followed you out’. Mackay then gave evidence:

On the 30th of September I was stupid from effects of a blow. I was not drunk –
I went in to Crosbys once; about 3 p.m. I had a shandy gaff [a mixture of beer and either ginger beer or lemonade] –

folio 18, Child Welfare Department, CW 14/9, ANZ-W; *Ohinemuri Gazette*, 26 November 1892, p. 7.

⁴⁸⁰ Industrial Schools, Register of Past Inmates, bundle 20, St Mary’s Auckland, Child Welfare Department, CW 15/2, ANZ-W.

⁴⁸¹ For instance, Elizabeth Mackay: Industrial Schools, Nominal Rolls, 1900, St Mary’s Auckland, Child Welfare Department, CW 14/17, ANZ-W.

⁴⁸² Industrial Schools, Nominal Rolls, St Mary’s Nelson, Boys, 1903, 1905, Child Welfare Department, CW 14/20, 14/22, ANZ-W.

⁴⁸³ Police Court, *Auckland Weekly News*, 13 April 1867, p. 4.

⁴⁸⁴ *Ohinemuri Gazette*, 16 April 1892, p. 5.

I came out and sat on Crosbys stool for a few minutes. I reached Power half-an-hour after.

I saw the constable about 7.15 p.m. at Powers and bade him good evening.

He was then cross-examined by Mitchell:

I reached Paeroa on the morning of 29th September – I came down to get paid for work on Railway line....

I remember going into Powers' hotel that evening I had two drinks in Powers – I had two £1 notes in my pocket – I do not remember Power urging me to give him the £2 to hand over [to] the constable....

I got up between 6 & 7 a.m. on the morning of the 30th – I had £1-13-6 in my pocket I was into Crosbys hotel once, where I had one drink, I was once in Cassrell & Bennetts bar. I don't remember having any drink there. I was stupid from a blow and cannot rightly remember what took place through the whole of the 30th – I do not remember being turned out of Crosbys hotel by the landlord –

I was in Cootes bar, I had a small shandy-gaff with Griffiths there – I do not remember having any more in that house

I had two shandy gaffs in Powers

I was not, at any time, lying on the form outside Crosbys hotel during the 30th September I left Powers hotel about 9 p.m. on 30th Sepr and went to Barretts – I was quite sober when I left the Hotel – I had a bag of stores with me. It was in consequence of Power advising me not to go home that I staid at Barretts.⁴⁸⁵

Once again he was fined.⁴⁸⁶ In 1908, drink may have been the cause of his nearly drowning in the flooded Ohinemuri River, for he walked into it 'evidently in the darkness mistaking the river for the bridge'. His rescuers made no comment about his sobriety.⁴⁸⁷ He was known to his descendants as having had a drinking problem, maybe even being an alcoholic.⁴⁸⁸

His convictions for drunkenness in 1892 prompted his friend John Thorp to complain to the Commissioner of Police about Mitchell. After

⁴⁸⁵ Paeroa Magistrate's Court, Notes of Evidence 1884-1892, entry for 14 October 1892, ZAAP 13790/1a, ANZ-A.

⁴⁸⁶ A.J. Mitchell to Commissioner of Police, 7 November 1892, Police Department, P 1, 92/1616, ANZ-W.

⁴⁸⁷ *Auckland Weekly News*, 2 April 1908, p. 36.

⁴⁸⁸ Colin McKay to Philip Hart, 28 July 2016; Michele Scott to Philip Hart, 28 July 2016, emails.

explaining that Mitchell had not done anything against him, thereby suggesting that his was not a personal complaint, Thorp claimed that Mitchell was lax in his duties, for instance letting drunks lie around in the streets.

If Constable Mitchell gets [a] grudge against any poor man he will run him in though the man is not drunk and get him fined. I may mention the name of the man that he has done this to twice. It is A. Mackay an old prospector who assisted to find the reefs from which so much gold has been taken at Waitekauri, Owharoa and Karangahake. Mitchell had this man up the first time and got him drunk at the same time A. Mackay was not drunk. A. Cassrels of Cassrels and Bennett told me he was not drunk, last week he got A. Mackay fined again when I am told he was not drunk.

Thorp considered that Mitchell had been stationed at Paeroa for too long.⁴⁸⁹ As the Minister of Justice, Alfred Jerome Cadman, considered his letter was ‘evidently written with a vindictive spirit’, he referred it to Mitchell for his comments.⁴⁹⁰ After insisting that he had enforced breaches of the licensing law, unlike his predecessor, Mitchell shone a strong light on Mackay’s family life:

This man has been known to me for about four years; for some time he lived with his wife and seven children in a hut in the Paeroa township, frequent complaints were made to me by respectable residents that Mackay’s house was nothing more or less than a brothel, and that disturbances therein were of frequent occurrence. From time to time I warned Mackay that I would make application to the Resident Magistrate for the Committal of his children to the Industrial School. Matters soon became worse by the arrival from Auckland of Mrs Mackay’s sister – a well known prostitute – and the neighbours loudly remonstrated with me for allowing the scenes that were almost daily enacted in Mackay’s dwelling: that bushmen and others were continually resorting there, that Mrs Mackay and her sister were both low prostitutes, that Mackay himself drank with the bushmen who frequented his house, and made no effort to check the disgraceful proceedings [that] were patent to all – and yet I

⁴⁸⁹ J.W. Thorp to Commissioner of Police, 21 October 1892, Police Department, P 1, 92/1616, ANZ-W.

⁴⁹⁰ Memorandum by A.J. Cadman, 29 October 1892, Police Department, P 1, 92/1616, ANZ-W.

was powerless to act – so eventually decided that as I could not remedy the evil, I would remove the children from its influence, and arranged to bring them before the Resident Magistrate at one of the Court's monthly sittings – the father agreeing – and have them committed to the Industrial School. However, early on the morning the Court sat the father cleared out by coach taking the children with him. About a week after Mrs Mackay came to the office, and complained she heard I was going to arrest her sister and herself for vagrancy. I spoke very strongly to her about her conduct, and she replied her children had to be fed somehow, and that oftentimes instead of her getting money from her husband she had to give it to him. The result of the interview was that she and her sister sold the few articles of furniture they had, and removed to Auckland. A short time after the Auckland Police raided Mackay's house, had five children committed to the school, and [had] Mrs Mackay and her sister before the Court on charges of keeping a disorderly house and vagrancy. Mackay cleared out, and returned to this district – this was about September 1891 [it was in December] – he got work on the Paeroa-Te Aroha railway, each pay day he came into the township, &, as soon as he received his money, commenced drinking – although he continually promised, still he failed to devote any portion of his earnings to the support of his children. Similar behaviour was repeated each pay day till the month of April, (proceedings having meanwhile been instituted against him in Auckland under the Industrial Schools Act) and as I was unable either by coaxing or threatening to induce him to see his error I summoned him in April last before the Resident Magistrate for drunkenness, and explained Mackay's position to the Bench: he was fined 10/- & Costs 19/- including witnesses expenses. In September Month this year, while in arrears some £26 Mackay on receipt of his pay remained in town two days drinking hard. I again summoned him, and he was fined 30/- and costs 26/6.... On each occasion Mackay was summoned – not run in as Mr Thorp describes it – and had ample opportunity of providing himself with witnesses to prove his sobriety had he chosen. The hardship of paying the greater part of the penalty has invariably fallen on Mr Thorp to whom Mackay appeals for money each time he is in trouble. On one occasion I remarked to Mackay he could scarcely expect, from the curt & commanding tone of the pencilled note he was sending Thorp, to receive any monetary assistance – Mackay replied "John Thorp darn't refuse me." It has been a matter of wonder to many of Mr Thorp's intimate friends what could be the nature of the obligation which gave Mackay such an apparent hold over him.

Mitchell was willing for an enquiry to be held into his actions.⁴⁹¹ It is not known what 'hold' Mackay had over Thorp, but they continued to have close contacts, in 1890 Mackay giving supporting evidence when one of Thorp's employees was charged with horse stealing.⁴⁹² After Thorp was asked to request an enquiry and to provide specific allegations against Mitchell but failed to respond, he was told that his charges had been rejected. Mitchell's Inspector noted that he had 'always found Constable Mitchell to be an excellent and strict dutyman'.⁴⁹³ In 1896, when appealing directly to the Minister of Mines, Cadman, for a reward for finding gold, Mackay claimed to have stopped two bogus mining companies

being floated by the Paeroa people, which would have ruined the district and through having these people against me my family was entirely broke up, Mr Mitchel the constible who was immediately conected with it who carried on a chain of persecution against me which was ultimately the cause of him being removed from the district.⁴⁹⁴

Mitchell was indeed transferred, although not for this reason. When he moved to Auckland in 1893, two prominent Paeroa Maori protested because they had appreciated how he had carried out his duties.⁴⁹⁵ Mitchell went on to have a distinguished career, often being praised for his skill and intelligence.⁴⁹⁶

⁴⁹¹ A.J. Mitchell to Commissioner of Police, 7 November 1892, Police Department, P 1, 92/1616, ANZ-W.

⁴⁹² Supreme Court, *Auckland Weekly News*, 7 June 1890, p. 14.

⁴⁹³ Memorandum by Inspector Emerson, 11 November 1892; Private Secretary to J.W. Thorp, 22 November 1892, Police Department, P 1, 92/1616, ANZ-W.

⁴⁹⁴ Alexander Mackay to A.J. Cadman, 29 June 1894, Goldfields and Mines Committee, Petition no. 92, Legislative Department, LE 1, 1894/5, ANZ-W.

⁴⁹⁵ Tumatakitua Paaka and Morehu Te Putu to A.J. Cadman, 2 April 1893; Memorandum dated 10 April 1893, Police Department, P 1, 1893/450, ANZ-W.

⁴⁹⁶ *Observer*, 22 April 1893, p. 14, 30 November 1895, p. 3, 12 January 1901, p. 6, 19 January 1901, p. 9, 20 July 1901, p. 12, 6 September 1902, p. 5; *New Zealand Police Gazette*, 7 February 1894, p. 20; Sherwood Young, 'Alfred James Mitchell', *Dictionary of New Zealand Biography: vol. 3: 1901-1920* (Wellington, 1996), pp. 344-345; Melanie Nolan, '1913 in Retrospect: a laboratory or a battleground of democracy', in *Revolution: The 1913 great strike in New Zealand*, ed. Melanie Nolan (Christchurch, 2005), p. 29; Robert S. Hill, 'The Police, the State, and "Lawless Law"', in *Revolution*, pp. 92-94, 95.

No doubt it was complaints from the neighbours in March 1890 that had resulted in Mackay being charged with having a dog at large and unmuzzled, despite it being 'known to him to have bitten a person'. The case was dismissed after he promised to keep it on a chain.⁴⁹⁷ Two months later, he was involved in a horse stealing case, but only as a witness.⁴⁹⁸

In December 1891, when he was before the Auckland court for fighting, the police prosecutor noted he had not 'taken care of his children, who were recently before the Court', but the magistrate said he 'could not take notice of that matter in the present case'.⁴⁹⁹ Mackay was sentenced in Auckland to two months of hard labour on 15 October 1892 because of arrears in paying maintenance, and on 2 November was arrested by Mitchell 'on committal warrant'.⁵⁰⁰ In September the following year, when charged with having arrears of £44 for his children in the industrial school, he applied to have the arrears cancelled, a request adjourned for six weeks. 'Question of cancellation of arrears to be considered then if dft pays £1 a week during that period'.⁵⁰¹ After the police reported on his financial circumstances, the case was struck out,⁵⁰² probably because of his poverty. By September 1894, he owed the industrial school £109 16s. When again charged, he paid £4 and promised to pay another £20 five months later.⁵⁰³ As he was not charged after this time, he must have paid some of the debt.

In September 1896, the secretary of the Thames hospital board asked the Paeroa police to locate Mackay because he was not paying for Helie's maintenance. 'The Board thinks that this is a case where no leniency should be shown – They are informed that Mackay has been doing well and is in a

⁴⁹⁷ Magistrate's Court, Paeroa, *Te Aroha News*, 5 March 1890, p. 2.

⁴⁹⁸ *Auckland Weekly News*, 7 June 1890, p. 14.

⁴⁹⁹ Police Court, *Auckland Star*, 23 December 1891, p. 5.

⁵⁰⁰ Paeroa Correspondent, *Auckland Weekly News*, 5 November 1892, p. 23; A.J. Mitchell to Commissioner of Police, 7 November 1892, Police Department, P 1, 92/1616, ANZ-W; *New Zealand Police Gazette*, 11 January 1893, p. 9.

⁵⁰¹ Auckland Police Court, Criminal Record Book 1892-1894, folio 175, BADW 10254/16a, ANZ-A.

⁵⁰² Auckland Police Court, Criminal Record Book 1892-1894, folios 211, 219, BADW 10254/16a, ANZ-A.

⁵⁰³ Auckland Police Court, Criminal Record Book 1894-1895, folio 164, BADW 10254/17a, ANZ-A; Police Court, *New Zealand Herald*, 3 September 1894, p. 3.

position to pay'.⁵⁰⁴ In March 1899, its secretary complained that 'for some considerable time' it had been paying to maintain his daughter. After police proceedings were taken against him, Mackay paid some small amounts, but his last payment, of £6, was in January 1897. 'The Board has given Mackay every latitude but the delaying of matters has had no effect and the members desire that Mackay should be brought "to book" as soon as possible'.⁵⁰⁵ In May, the board insisted he must pay not less than 30s a month; 'Mackay has had every latitude given him and has been in a position to pay up but has not done so'.⁵⁰⁶ As it took no further action against him, Mackay must have paid the bare minimum required and possibly some of the outstanding debt before she left the orphanage in July.

In 1900, Mackay petitioned parliament 'that he may be granted the custody of his children' committed to the St Mary's Industrial School; the petitions committee declined his request.⁵⁰⁷ The following January, because of not paying maintenance he was sentenced to one month's imprisonment on three charges, to be served concurrently, and to two months on another two charges, to be served cumulatively. He evaded the police until arrested and imprisoned in late February.⁵⁰⁸ In July he applied 'to vary orders made against him for support of his children', and after further consideration the arrears were 'remitted to 16th Octr 1900, the police not objecting'.⁵⁰⁹ At the end of October, his last petition to have custody of his children was again rejected.⁵¹⁰ In August 1903 his application 'for variation of maintenance orders' for two of the children was granted, 'arrears to be paid within three months'.⁵¹¹ As he continued to disobey orders to pay maintenance, in April 1904 he was charged with arrears under an order of December 1901 for paying for James and Roderick/Robert George (a very old debt), and as he

⁵⁰⁴ Secretary, Thames Hospital Board, to Constable Beattie, 16 September 1896, Thames Hospital Board Letterbook 1896-1901, p. 31, YYBP 14067/1b, ANZ-A.

⁵⁰⁵ Secretary, Thames Hospital Board, to Sergeant Brennan, 27 March 1899, Thames Hospital Board Letterbook 1896-1901, p. 408, YYBP 10467/1b, ANZ-A.

⁵⁰⁶ Secretary, Thames Hospital Board, to Sergeant Brennan, 10 May 1899, Thames Hospital Board Letterbook 1896-1901, p. 438, YYBP 14067/1b, ANZ-A.

⁵⁰⁷ 'Reports of Public Petitions M to Z Committee', *AJHR*, 1900, I-2, p. 4.

⁵⁰⁸ *New Zealand Police Gazette*, 5 June 1901, p. 142.

⁵⁰⁹ Auckland Magistrate's Court, Criminal Record Book 1901, folios 109, 201, BADW 10254/33a, ANZ-A.

⁵¹⁰ 'Reports of Public Petitions A to L Committee', *AJHR*, 1901, I-1, p. 6.

⁵¹¹ Police Court, *New Zealand Herald*, 19 August 1903, p. 7.

did not respond a warrant of distress was issued against him.⁵¹² In September he was sentenced to five weeks and four weeks on two charges of not meeting these debts, the sentences being concurrent, and in the following April to another three months.⁵¹³ In 1909, in response to his letter about his owing £10 19s for the treatment of 'Miss Mackay', presumably Helie, at the Thames hospital, the secretary assured him that payment could be postponed and paid in instalments.⁵¹⁴

According to her death certificate, Alice bore another son in 1892,⁵¹⁵ but it was unlikely that its father was Mackay. By September 1897, she had abandoned her married name, in one court case giving her name as Alice Green.⁵¹⁶

JOHN HADFIELD AND CECILIA MEREDITH

The reason why Alice and her sister were before the court in December 1891 on the charge of keeping a brothel was a 'row' caused by 'a woman named Mrs Hadfield', who had broken some windows, after which Mackay and 'the man Hadfield had some trouble' in putting the hysterical Alice to bed.⁵¹⁷ A neighbour was certain that if Alice and her sister 'had not encouraged a man on their premises, that man's wife would not have broken the windows. He knew that Mrs Hadfield had been fined for breaking the windows'.⁵¹⁸ A week later, Mackay and John Hadfield were taken to court for fighting in Cook Street. Both pleaded guilty, Hadfield being fined 40s or 21 days' imprisonment, 'having been previously convicted for disorderly behaviour'. Mackay being fined 20s or seven days, but did not pay until after being imprisoned for non-payment.⁵¹⁹ Had Alice provided the money

⁵¹² Auckland Magistrate's Court, Criminal Record Book 1903-1904, folio 220, BADW 10254/49a, ANZ-A.

⁵¹³ *New Zealand Police Gazette*, 2 November 1904, p. 326, 20 September 1905, p. 340.

⁵¹⁴ J.E. Banks to Alex Mackay, 15 November 1909, Thames Hospital Board, Letterbook 1901-1911, p. 774, YYBP 14067/2a, ANZ-A.

⁵¹⁵ Death Certificate of Hales Bridget Mackay, 25 January 1942, 178/1942, ANZ-A.

⁵¹⁶ Police Court, *New Zealand Herald*, 18 September 1897, p. 3.

⁵¹⁷ Police Court, *New Zealand Herald*, 14 December 1891, p. 3.

⁵¹⁸ Police Court, *Auckland Star*, 12 December 1891, p. 5.

⁵¹⁹ Auckland Police Court, Criminal Record Book 1891-1892, folio 154, BADW 10254/15a, ANZ-A; Police Court, *New Zealand Herald*, 24 December 1891, p. 3; *New Zealand Police Gazette*, 13 January 1892, p. 6.

from her usual occupation? But why were Mackay and Hadfield fighting? And who was John Hadfield?

John Hadfield was a son of Edwin, a carpenter and builder, who had married Susan Pritchard in Manchester in 1862.⁵²⁰ John had a younger brother, also Edwin, and a young sister Ada.⁵²¹ After arriving in New Zealand in 1877, Edwin Hadfield farmed near Hamilton before moving to Waiorongomai in 1883.⁵²² In June, he erected a hotel at Waiorongomai despite having no license, hoping the licensing commissioners were grant one upon its completion, but at first they declined, considering the settlement had sufficient hotels.⁵²³ In early 1884, the building was extended, and in June a license was finally granted, conditional on completing further improvements.⁵²⁴ It cost him £1,800, which some of his creditors thought over-priced for a poor building.⁵²⁵ On the day it opened, legal action was taken to force him to repay money lent, and within a month he was forced into bankruptcy.⁵²⁶ He explained that his wife had had '£400, which was expended partly in living and partly in the erection of the hotel, the balance of the money required for hotel and business' being borrowed from an Auckland brewer. He had liabilities of £1,951 and assets of £2,976. He 'could not account' for a deed transferring a section to his son John being dated seven days before he filed.⁵²⁷ After evading further investigation of his bankruptcy, on the excuse that he could not afford to travel to the hearings, the court declared this transfer to be null and void because he was trying to thwart the assignee. It was discovered that it had been made in

⁵²⁰ Marriage Certificate of John Hadfield, 6 January 1922, 1922/475; Death Certificate of John Hadfield, 28 March 1922, 1922/516, BDM; ancestry.co.uk.

⁵²¹ Waiorongomai School, Class Lists, November 1883, November 1884, YCAF 4135/10a, 4135/13a, ANZ-A; Waiorongomai Sunday School, Admission Book 1884-1889, entries for 9 March 1884, 3 March 1885, 17 February 1889, 3050/888, Methodist Archives, Auckland.

⁵²² Auckland Hospital, Register of Patients 1885-1890, folio 72, ZAAP 15288/2a, ANZ-A; District Court, *Thames Star*, 6 August 1884, p. 2; *Te Aroha News*, 22 November 1884, p. 2.

⁵²³ *Te Aroha News*, 9 June 1883, p. 2; *Waikato Times*, 19 June 1883, p. 2.

⁵²⁴ *Te Aroha News*, 1 May 1884, p. 2, 7 June 1884, p. 2, 14 June 1884, p. 2.

⁵²⁵ *Te Aroha News*, 26 July 1884, p. 2.

⁵²⁶ *Thames Star*, 1 July 1884, p. 3; *Te Aroha News*, 26 July 1884, p. 2.

⁵²⁷ District Court, *Thames Star*, 6 August 1884, p. 2.

part payment for £70 owed to John in wages.⁵²⁸ His assets in fact amounted to only about £60.⁵²⁹ Immediately after filing, his hotel was transferred to another publican.⁵³⁰ Because of how he handled his bankruptcy, he was not discharged until August 1887.⁵³¹

He then farmed close to the Waiorongomai settlement, struggling financially and only being permitted to lease land on his wife's 'plaintive appeal' to the landlord when about to lose it.⁵³² In 1887 he tendered, unsuccessfully, to clear bush for a water race.⁵³³ Later that year, when a contractor in the New Find mine, his thigh was broken in an accident, permanently crippling him.⁵³⁴ The community rallied to provide some financial assistance,⁵³⁵ and he tried to make money by teaching music.⁵³⁶ (Having had considerable musical experience in Manchester and Aberystwith, in 1881 he had been appointed bandmaster of the Hamilton Band.)⁵³⁷ Because his fracture had 'badly united', in April 1888 he sought treatment in Auckland hospital, but too late.⁵³⁸ Still at Waiorongomai in

⁵²⁸ District Court, *Thames Star*, 3 September 1884, p. 2, 7 October 1884, p. 3, 4 November 1884, p. 2; District Court, Bankruptcy Cases 1885-1887, entry for 3 February 1885, BACL 14415/1a, ANZ-A; District Court, *Thames Advertiser*, 4 February 1885, p. 3.

⁵²⁹ *Thames Star*, 20 November 1884, p. 2.

⁵³⁰ *Waikato Times*, 26 July 1884, p. 3.

⁵³¹ Thames Magistrate's Court, Letterbook 1876-1896, p. 1214, BACL 14458/1b, ANZ-A.

⁵³² *Waikato Times*, 25 September 1883, p. 2; *Te Aroha News*, 22 November 1884, p. 2, Magistrate's Court, 18 April 1885, p. 2, Thames High School, 4 December 1888, p. 2, letter from Edwin Hadfield, 12 December 1888, p. 2, letter from John Murray, 19 December 1888, p. 2, letter from Edwin Hadfield, 29 December 1888, p. 2; Thames High School Board of Governors, Minutes of Meeting of 13 April 1885, High School Archives, Thames; Inquest into Edwin Hadfield's house fire, Justice Department, J 46 COR, 1884/1842, ANZ-W.

⁵³³ *Te Aroha News*, 5 March 1887, p. 2.

⁵³⁴ See paper on the New Find mine.

⁵³⁵ *Waikato Times*, 13 September 1887, p. 3, Waiorongomai Correspondent, 7 June 1888, p. 2; *Te Aroha News*, advertisement, 20 August 1887, p. 3, 17 September 1887, p. 2, 6 June 1888, p. 2, 30 June 1888, p. 2, 11 July 1888, p. 2,

⁵³⁶ Advertisement, *Te Aroha News*, 4 July 1888, p. 2.

⁵³⁷ *Waikato Times*, 19 May 1881, p. 2, 21 May 1881, p. 2, 20 August 1881, p. 2, 29 September 1881, p. 2,

⁵³⁸ Auckland Hospital, Register of Patients 1885-1890, folio 72, ZAAP 15288/2a, ANZ-A; *Auckland Weekly News*, 26 May 1888, p. 17.

February 1889,⁵³⁹ by at least early 1891, but probably earlier, he had settled in Auckland, where amongst other things he managed People's Concerts at the City Hall.⁵⁴⁰ In 1893, with his wife and two youngest children he was living at Grey Street in the city, with his namesake son working as a cabinet-maker.⁵⁴¹ They remained in Auckland until early in the twentieth century, when they moved to Sydney, probably briefly before returning to England in 1907, where an unsuccessful operation in June confined him to bed permanently.⁵⁴² His younger son and his daughter, now married, were with him when he died at Lewisham late that year; John, who had remained in Auckland, informed newspapers of his father's death.⁵⁴³

According to his marriage and death certificates, John was born in Manchester in 1870.⁵⁴⁴ According to what he told the police, he was born in 1867.⁵⁴⁵ According to what he told Auckland hospital, he was born in 1866.⁵⁴⁶ In 1897 he was described as a 'young man' aged 'about 33', meaning a date of birth of 1864.⁵⁴⁷ As he was on the 1884 electoral roll,⁵⁴⁸ he must have been 21 by then, unless he or his father had lied about his age, surely

⁵³⁹ Waiorongomai Sunday School, Admission Book 1884-1889, entry for 17 February 1889, 3050/888, Methodist Archives, Auckland.

⁵⁴⁰ Magistrate's Court, *New Zealand Herald*, 6 March 1891, p. 3.

⁵⁴¹ *City of Auckland Electoral Roll, 1893*, p. 162.

⁵⁴² Auckland Magistrate's Court, Criminal Record Book 1898-1899, folio 204, BADW 10254/25a, ANZ-A; *New Zealand Gazette*, 24 October 1895, p. 1705; Jackson and Russell to Edwin Hadfield, 26 August 1899, Letterbook no. 73, p. 195, Jackson and Russell Papers, MS 360, Library of the Auckland Institute and War Memorial Museum; *City of Auckland Electoral Rolls, 1894*, p. 102; *1896*, p. 111; *1897*, p. 79; *1899*, p. 113; *1900*, p. 32; Marriage Certificate of Ada Hadfield, 24 November 1902, 1902/4717, BDM; Marriage Notice, *Auckland Star*, 1 January 1903, p. 3; *New Zealand Herald*, 31 January 1908, p. 8.

⁵⁴³ Death Certificate of Edwin Hadfield, British Register of Deaths 1907, Fourth Quarter, folio 1d, p. 633; *Auckland Weekly News*, 6 February 1908, p. 25.

⁵⁴⁴ Marriage Certificate of John Hadfield, 6 January 1922, 1922/475; Death Certificate of John Hadfield, 28 March 1922, 1922/516, BDM.

⁵⁴⁵ *New Zealand Police Gazette*, 8 May 1889, p. 92.

⁵⁴⁶ Auckland Hospital and Charitable Aid Board, Applications for Relief 1908-1919, p. 354, YCAB 15246/1a, ANZ-A.

⁵⁴⁷ *New Zealand Herald*, Police Court, 1 March 1897, p. 3, Supreme Court, 12 June 1897, p. 3.

⁵⁴⁸ *Waikato Electoral Roll, 1884*, p. 9.

unlikely for such a mundane and financially neutral matter. In 1889 he was described as being six feet tall, with dark brown hair, brown eyes, a prominent nose, and with 'three wens', meaning more or less permanent benign tumours,⁵⁴⁹ 'on right side of neck, and one in centre of back; scar on left middle finger and on right knee-cap'.⁵⁵⁰ In 1897 his nose was described as long, his build as 'stout', and he had a wart on his neck and a wen on his back.⁵⁵¹ A carpenter by trade, he had worked for his father at Waiorongomai.⁵⁵² In 1883, father and son each acquired an interest in one Waiorongomai claim, their only investment in mining there, and the only investment John ever made.⁵⁵³ The following year, in an attempt to save some of his father's land from his creditors, John bought one business site from him for £20.⁵⁵⁴ The only other time he was recorded in the local newspaper was when he tendered, unsuccessfully, to sledge ore from a mine in February 1885.⁵⁵⁵

Shortly after this date, Hadfield moved to Auckland. In January 1888 John Hatfield, as his name was recorded, was charged with wounding Cecilia Meredith by stabbing her in an arm and her back with a table fork. 'The parties had been living together for some years, and some three months ago she left him', by her account 'to lead a better life. Since then he had constantly annoyed her'.⁵⁵⁶ The first report of the assault described them both as young and explained that he 'had been on terms of intimacy with the girl'.⁵⁵⁷ Born in Wales in 1868, she was five feet four inches tall, with a fair complexion, dark brown hair and eyes, and a long nose.⁵⁵⁸ On the evening of the assault, he had visited the house in Lower Hobson Street

⁵⁴⁹ *The Concise Oxford Dictionary*, 5 ed. (Oxford, 1964), p. 1482.

⁵⁵⁰ *New Zealand Police Gazette*, 8 May 1889, p. 92.

⁵⁵¹ *New Zealand Police Gazette*, 31 March 1897, p. 64.

⁵⁵² *Waikato Electoral Roll*, 1884, p. 9; *New Zealand Police Gazette*, 8 May 1889, p. 92; Probates, BBAE 1569/15576, ANZ-A; District Court, *Thames Advertiser*, 4 February 1885, p. 3.

⁵⁵³ Te Aroha Warden's Court, Register of Licensed Holdings 1881-1887, folio 157, BBAV 11500/9a, ANZ-A.

⁵⁵⁴ Te Aroha Warden's Court, Transfers and Assignments 1884, no. 113, BBAV 11581/5a, ANZ-A; District Court, *Thames Advertiser*, 4 February 1885, p. 3.

⁵⁵⁵ *Te Aroha News*, 21 February 1885, p. 2.

⁵⁵⁶ *Auckland Star*, 18 January 1888, p. 4; *New Zealand Herald*, 19 January 1888, p. 4.

⁵⁵⁷ *New Zealand Herald*, 18 January 1888, p. 4.

⁵⁵⁸ *New Zealand Police Gazette*, 24 February 1892, p. 26.

she occupied with another girl, 'getting in at midnight by an open window off the top of the verandah. Hatfield then had a quarrel with Meredith in her bedroom, when he took up the fork which happened to be on the dressing table, striking her twice'. A doctor dressed her wounds, which were 'not of a severe character. Hatfield stopped at the house all night, walking about the place till daylight, when he took his departure'. A detective arrested him 'at his workshop, Chapel-street, where he was working at his trade of a cabinetmaker'.⁵⁵⁹ In court, Cecilia 'said she had no wish to press the charge', which was struck out.⁵⁶⁰ Born in Wales in 1868, she was five feet four inches high, with a fair complexion, dark brown hair and eyes, and a long nose.⁵⁶¹

In February 1889, when John Hatfield was fined £3 and costs, in default one month's hard labour, for being drunk and disorderly, the police clarified that he was '*alias* John Hadfield'; being unable to pay, he was imprisoned.⁵⁶² Four months later, Cecilia Hadfield pleaded guilty to being drunk in Queen Street.⁵⁶³

In March 1891, in a dispute about how his father managed the People's Concerts, Hadfield gave evidence supporting his father.⁵⁶⁴ After the window-breaking spree in December 1891, Cecilia Hadfield was charged with 'malicious injury to property', namely 16 panes of glass, the property of Alexander Mackay.⁵⁶⁵

Alice Mackay deposed that defendant came to her house about 6 o'clock last night, and asked about some furniture witness had purchased of Mr Hadfield. Witness put her out. Defendant, however, returned again between one and two this morning, and smashed 16 panes of glass. She estimated the damaged at 20s. – Constable Windus deposed to arresting the accused, who said she had done it, and would take it out in Mount Eden. – The

⁵⁵⁹ *New Zealand Herald*, 18 January 1888, p. 4.

⁵⁶⁰ *Auckland Star*, 18 January 1888, p. 4.

⁵⁶¹ *New Zealand Police Gazette*, 24 February 1892, p. 26.

⁵⁶² Police Court, *New Zealand Herald*, 19 February 1889, p. 3; *New Zealand Police Gazette*, 8 May 1889, p. 92.

⁵⁶³ Auckland Magistrate's Court, Criminal Record Book 1889-1890, folio 110, BADW 10254/15a, ANZ-A.

⁵⁶⁴ Magistrate's Court, *New Zealand Herald*, 6 March 1891, p. 3.

⁵⁶⁵ Auckland Magistrate's Court, Criminal Record Book 1891-1892, folio 146, BADW 10254/15a, ANZ-A.

defendant was sworn and denied having broken the windows. She stated that her husband took her furniture and set these two women up in the house. Mrs Mackay blacked her eye three days ago. This morning she went to Mrs Mackay's house, and when she came to the door witness dragged her out and "pummeled her" and would do it again to-morrow.

After commenting 'that such statements did not help the case', the magistrate fined her 20s and a similar amount in damages, or 14 days of hard labour; she paid.⁵⁶⁶

Clearly aggrieved that her 'husband' had set up Mackay's wife and sister-in-law in a brothel, less than one month later Cecilia Meredith married Samuel Johnson.⁵⁶⁷ An Englishman born in England in 1842, he was a dairy farmer with a florid complexion, 'stout build, large mouth,' and a large, pointed nose.⁵⁶⁸ On 25 January, in a report headlined: 'A Kingsland Romance: An Interrupted Honeymoon', Johnson was charged with desertion. Her counsel explained that, after being married for a fortnight, he had left Auckland for New Plymouth to catch a boat to England, but then decided to return to Auckland, where he was arrested.

About a fortnight ago Mr Johnson, who was formerly a resident of Kingsland, and is a reputed wealthy man, was married at the Registrar's Office, in Auckland, to Miss Cecilia Meredith, a young lady of prepossessing appearance about 22 years of age. Johnson is said to be over 50. The honeymoon appeared to prognosticate every happiness for the newly-wedded couple, and a strong mutual affection appeared to exist. Suddenly, however, the bridegroom failed to appear to his lonely spouse on the evening of Wednesday last, and the disconsolate one, after making fruitless efforts to find her husband,

obtained the services of a lawyer, who traced him.⁵⁶⁹ In court, it was revealed that Johnson's solicitor 'threw up the case' when Johnson refused to pay £1 per week to support his wife, with whom he had lived for only ten days.

⁵⁶⁶ Police Court, *Auckland Star*, 8 December 1891, p. 5; Auckland Magistrate's Court, Criminal Record Book 1891-1892, folio 146, BADW 10254/15a, ANZ-A.

⁵⁶⁷ Marriage Certificate of Cecilia Meredith, 1892/191, BDM.

⁵⁶⁸ *New Zealand Police Gazette*, 18 May 1892, p. 82.

⁵⁶⁹ *Auckland Star*, 25 January 1892, p. 3.

Cecilia Johnson, the complainant, was then put in the box. She deposed that she had been married to defendant three weeks, and that she had no means. Defendant told witness he had deposits in the Union Bank and the Bank of Australasia, and that he had two farms in the Waikato. She had known defendant about nine months, and was what is known as “engaged” to him for three months before the marriage took place. After the marriage defendant took a house in Upper Queen-street, and they lived together as man and wife. They would be married three weeks tomorrow. When defendant left witness he did say he was going away. They parted on terms of affection. He took an affectionate farewell....

The defendant was asked if he had any questions to ask his wife, and he replied “Yes.” Addressing his wife, he said:

“The question is: Are we going to live together?”

Complainant replied that she had no objection to live with him if she had security that he would not go away again.

In answer to Dr Giles [the magistrate] the complainant stated she had nothing to complain of during the time they lived together. When defendant went to get his clothes at his brother’s, trouble commenced. The brothers of defendant did not know of the marriage, or no doubt they would have tried to prevent it.

Johnson explained to the court that he had not told his wife ‘he was going because he was drunk’, and described his buying a ticket to England as ‘a drunken freak’. He ‘had no deposits in the bank, and was willing to live with his wife and work like other people. He had a 50-acre section at Te Awamutu, which was rented, but had no other land in the Waikato’.

When he woke up this morning in Freeman’s Bay he found he had only £2 and some pence in his pocket. He drew £100 out of the Bank of Australasia, but got drunk and lost it. He did not draw money out of the Union Bank yesterday, but he drew £50 out of the National Bank. When he woke up this morning, he found himself in a paddock, at Freeman’s Bay.

Edward Johnson, brother of the defendant, said he was certain his brother had not been sober for three weeks. During his drinking bout he got associated with the complainant. His brother was that drunk that he did not know he got married.

Witness thought his brother had softening of the brain.

After Cecilia’s lawyer ‘stated that he had made inquiries from those present at the marriage, and he found the defendant was perfectly sober at the time’, the magistrate ‘said when a man got married he took certain duties on himself, whether he was drunk or sober, wise or foolish. A man

that would go away on a drunken freak was not to be relied on to discharge his duties as a citizen'. Johnson was ordered to contribute £1 a week, 'the order to be suspended if they lived together', and to find sureties, or 'in default, three month' imprisonment'.⁵⁷⁰

On 2 February, when before the court for drunkenness and sentenced to 24 hours' hard labour for obscene language, the magistrate recognized her 'as the heroine of the Kingsland romance, *i.e.*, the bride whose husband went away a fortnight after marriage'. He warned her 'to bear in mind that this kind of conduct would be remembered in case of any future trouble between her husband and herself'.⁵⁷¹ According to the newspaper, she was Cecilia Johnson alias Hadfield alias Meredith; according to the police, she was Cecilia Johnson alias Singer alias Hadfield;⁵⁷² no connection to a man named Singer has been traced. She was fined 5s and costs for being drunk, and after pleading guilty to using obscene language in Grey Street, was sentenced to 24 hours' hard labour.⁵⁷³

In May, when Johnson was charged with failing to contribute to her support, it was revealed that he had spent 13 weeks in gaol after failing to find the money to guarantee payment. He was 'now out of work, and had neither money nor property. At first he had a considerable amount of money, but his wife could tell where that had gone to'. He was remanded while 'evidence of means' was obtained.⁵⁷⁴ At the hearing, the magistrate commented that 'if a man was sent to gaol he could hardly be liable for arrears during that time'. Cecilia stated that 'he had not paid her anything since he came out of gaol. She had seen him drinking since. In answer to defendant witness said she sold his furniture for £10'. In the light of Johnson's having 'lost £200 in a short while', the magistrate reduced the order to 10s a week.⁵⁷⁵ As no further court cases eventuated, perhaps Johnson did pay; or perhaps Cecilia gave up this attempt to make money. Judging by future events, they did not live together afterwards, but they did

⁵⁷⁰ *Auckland Star*, 27 January 1892, p. 3.

⁵⁷¹ *Auckland Star*, 2 February 1892, p. 5.

⁵⁷² Police Court, *New Zealand Herald*, 3 February 1892, p. 3; *New Zealand Police Gazette*, 24 February 1892, p. 26.

⁵⁷³ Police Court, *New Zealand Herald*, 3 February 1892, p. 3.

⁵⁷⁴ *New Zealand Police Gazette*, 18 May 1892, p. 82; Police Court, *Auckland Star*, 21 May 1892, p. 4.

⁵⁷⁵ Police Court, *Auckland Star*, 28 May 1892, p. 5.

not divorce, despite her behaviour. When he died, in 1905, unsurprisingly she received nothing from his estate.⁵⁷⁶

Four months after this case was heard, Cecilia and Annie Sinnett were charged with being drunk and disorderly in Grey Street, Cecilia being so violent that it took three policemen to arrest her. She was fined 20s for each offence.⁵⁷⁷ As later became apparent, Annie Sinnett was a prostitute.

In 1893 and 1894, Hadfield was living at Chapel Street,⁵⁷⁸ which had such a bad reputation for 'disorderly houses' that its name was later changed to Federal Street.⁵⁷⁹ As in October 1893, when George Green died in Chapel Street, Hadfield provided the details for the death certificate,⁵⁸⁰ it may be assumed that Green and his daughter Alice (and Nellie?) were living with him. Although no woman named Hadfield was recorded as living in Chapel Street then, in 1897 Cissy Hadfield, a dressmaker, was living there;⁵⁸¹ Cissy may have been a pet form of Cecilia, but Cecilia Hadfield had separated from Hadfield by then.

In March 1893 John Mattison was charged with assaulting Cecilia Johnson, 'a ruffianly assault' in the view of the magistrate, who fined him 40s and costs, or in default one month, and bound him over to keep the peace for six months or lose his sureties.⁵⁸² Not being able to pay, he went to prison. Born in Auckland in 1865, the police recorded his name as John Mattison, a bootmaker; he had 'two upper front teeth out' and 'female bust on right arm'.⁵⁸³ He seems to have restrained himself for a time after this sentence, but in May 1894 was charged with having 'unlawfully assaulted and beaten Cecilia Johnson', who feared grievous bodily harm, and again asked that he give sureties to keep the peace. She described him demanding admittance to her house at two o'clock in the morning; when this was refused, he struck her on the cheek and 'tore the rapper off her'. Mattison insisted it was a 'put up job', for after he ceased living with her about 18 months ago she had 'followed him about' and had brought the charge out of

⁵⁷⁶ Probate of Samuel Johnson, Probates, BBAE 1569/5449, ANZ-A.

⁵⁷⁷ Police Court, *Auckland Star*, 23 August 1892, p. 5.

⁵⁷⁸ *City of Auckland Electoral Rolls, 1893*, p. 162, *1894*, p. 102.

⁵⁷⁹ *Observer*, 28 October 1905, p. 17.

⁵⁸⁰ Death Certificate of George Isherwood, 13 October 1893, 1727/1893, BDM.

⁵⁸¹ *City of Auckland Electoral Rolls, 1893*, p. 162, *1894*, p. 102, *1897*, p. 79.

⁵⁸² Police Court, *New Zealand Herald*, 20 March 1893, p. 3.

⁵⁸³ *New Zealand Police Gazette*, 3 May 1893, p. 76; for his photograph, see *New Zealand Police Gazette*, 1 December 1909, [photographs], p. 45.

spite. The magistrate was unimpressed, describing him as ‘one of a class of cowardly bullies who went to women’s houses and ill-treated them’, and sentenced him to two months imprisonment without the option of a fine.⁵⁸⁴ (The following year he was charged with ‘theft from the person’, the amount being £4, but as the evidence was insufficient (the complainant had been drinking with him and another man in several hotels before the money disappeared), he was discharged.⁵⁸⁵ In 1899, John Matheson, alias Mattison, was fined for drunkenness and imprisoned for obscene language.⁵⁸⁶ A gum digger, he was aged about 33.⁵⁸⁷ He continued to be in trouble for being drunk and disorderly and not paying fines; by 1909 he had nine convictions.)⁵⁸⁸

In July 1894, Cecilia Johnson and Jane Whelan were fined for ‘neglecting to keep clean the yards at the back of their premises’.⁵⁸⁹ In late September, Cecilia Johnson, ‘a middle-aged woman’, and Annie Sinnett were charged with keeping a common brothel in Cook Street. A constable stated that Cecilia had been a prostitute for two years, and that when the police raided the house they discovered two women who were convicted thieves. She was committed for trial in the Supreme Court, as was Jane Whelan, who had a brothel in the same street and had been a prostitute for the past four years.⁵⁹⁰ Cecilia’s aliases were recorded as Singer and Hadfield.⁵⁹¹ Before the trial, she and Annie Nelson accused each other of assault.⁵⁹²

⁵⁸⁴ Police Court, *New Zealand Herald*, 24 May 1894, p. 3; *New Zealand Police Gazette*, 8 August 1894, p. 127.

⁵⁸⁵ Police Court, *New Zealand Herald*, 14 May 1895, p. 3; *New Zealand Police Gazette*, 29 May 1895, p. 89.

⁵⁸⁶ *New Zealand Police Gazette*, 26 April 1899, p. 99.

⁵⁸⁷ Auckland Hospital, Register of Patients 1892-1899, folios 146, 151, 203, ZAAP 15288/3a, ANZ-A.

⁵⁸⁸ *New Zealand Police Gazette*, 18 October 1905, p. 373, 27 October 1909, p. 452.

⁵⁸⁹ Police Court, *Auckland Star*, 18 July 1894, p. 3.

⁵⁹⁰ Police Court, *Auckland Star*, 27 September 1894, p. 4; Police Court, *New Zealand Herald*, 4 October 1894, p. 3.

⁵⁹¹ *New Zealand Police Gazette*, 17 October 1894, p. 170.

⁵⁹² Police Court, *Auckland Star*, 22 November 1894, p. 5.

At the December hearing, Cecilia Johnson, alias Hadfield, pleaded not guilty to the charge of keeping a 'bawdy house'.⁵⁹³ The police evidence proved she was a prostitute and that another prostitute had lived in her house for the past eight months. After other prostitutes moved in, the police raided the house twice in late September, finding six or eight men present, some in the bedrooms. Cecilia, who was in charge of the house, complained that John Mattison lived off her earnings from prostitution, and that when he broke her furniture she had prosecuted him. The owner of the house stated that the rent had been paid in the name of someone named Jones.⁵⁹⁴ In her defence, it was argued 'that but for this case she would now be on her way to England to join her family as she had just learned that she had come into considerable property'. When a lenient sentence was sought, the judge pointed out that the evidence had shown her house to be 'the resort of convicted thieves'. He also noted that the jury had wanted the man who paid the rent for her to be in the dock beside her, a point he agreed with. All five women were convicted of keeping bawdy houses, including Jane Wheelan and Annie Sinnett; because Cecilia had previous convictions and convicted thieves had been using her house, she was sentenced to a month of hard labour.⁵⁹⁵ As this was the last time she was before a court (under any alias), she must indeed have left for England once released from prison.

JOHN HADFIELD AND HALES BRIDGET MACKAY

In December 1896, a worker sued Hadfield for 19s 6d, wages owing, but these were proved to have been paid in full.⁵⁹⁶ The following February, he was again before the courts because of 'a serious assault' on Alfred Evans and Annie Wood outside his Albert Street house, which was opposite the Aurora Hotel.⁵⁹⁷ Alfred Evans was aged 25, and a labourer; Annie Woods was 32, and a servant.⁵⁹⁸ Because Evans' skull was fractured, Hadfield was arrested on a charge of assault 'with intent to do grievous bodily harm'.

⁵⁹³ Supreme Court, *New Zealand Herald*, 5 December 1894, p. 3; *New Zealand Police Gazette*, 21 December 1894, p. 207.

⁵⁹⁴ Supreme Court, *New Zealand Herald*, 6 December 1894, p. 3.

⁵⁹⁵ *New Zealand Police Gazette*, 21 December 1894, p. 207, 9 January 1895, p. 6.

⁵⁹⁶ Magistrate's Court, *New Zealand Herald*, 4 December 1896, p. 3.

⁵⁹⁷ *Auckland Star*, 27 February 1897, p. 5.

⁵⁹⁸ Auckland Hospital, Register of Patients 1893-1899, folios 133, 136, 141, ZAAP 15288/3a, ANZ-A.

Annie Woods received 'a small bruise on the head about the size of a sixpence'.

Hadfield's version of the affair is that he and his wife were standing on their verandah when Evans and Wood (who keep a second-hand shop at the corner of Chapel-street and Durham-street West) were passing. The two latter, he asserts, have been under a delusion for some time that they (the Hadfields) have been trying to get the police to shift the former out of the locality, and in consequence of that delusion they have frequently used insulting language to the Hadfields. On this occasion they again became very abusive and threatening, especially Annie Woods, who it is alleged tried to hit Mrs Hadfield with an umbrella, and spat in her face. Mr Hadfield, who had just returned home, and had not been inside since his return, warded off the blocks with his walking sticks. Evans then, it is said, came closer, hit out at Hadfield with his walking stick, and the latter by way of defence struck out at Evans with his walking stick, the result of the *melee* being that Evans received the injuries before alluded to.⁵⁹⁹

When brought before the magistrate,

Sergeant Clarke stated that whilst Evans and a woman named Annie Woods were going to the Opera House together at about 7.45 p.m. on the night of February 26th, accused, who lives opposite the Aurora Hotel, rushed out from his house and assaulted them with a stick, seriously cutting both the man and woman on the head. Three constables were soon on the spot, the accused was arrested, and the wounded man was removed to the Hospital on the advice of Dr Hooper, his skull having been fractured by the blow.

Hadfield was remanded in gaol for a later hearing, there being concern that the injuries to Evans might prove fatal.⁶⁰⁰ As, despite having a compound fracture, Evans was released after 21 days in hospital,⁶⁰¹ Hadfield was tried in the Supreme Court for causing 'actual bodily harm'. The prosecutor stated that Evans had been walking along Chapel Street with two women.

⁵⁹⁹ *Auckland Star*, 27 February 1897, p. 5.

⁶⁰⁰ Police Court, *New Zealand Herald*, 1 March 1897, p. 3.

⁶⁰¹ Auckland Hospital, Register of Patients 1893-1899, folio 136, ZAAP 15288/3a, ANZ-A.

When they got near the accused's house a woman living with accused came across the street and used some very foul language to one of the women with Evans. The prisoner repeated the insulting expression and Evans interposing, said, "You had better mind what you are saying." The woman who had made use of the foul language then said, "Knock him down, Jack," addressing the prisoner, who knocked Evans down with a stick. Evans was badly hit on the head, and the wound bled profusely.

Hadfield's lawyer gave an alternative account:

Prisoner's version of the affair would be that on the night in question the women were quarrelling outside Hadfield's house. Hadfield went out and told them to go away, and ordered the woman living with him to go into the house. Instead of going away one of the women that were with Evans asked Hadfield for money she said he owed her, and then struck him (Hadfield). The latter pushed the woman away. Evans then came and assaulted Hadfield with a walking-stick, in such a manner that had not counsel's client warded off the blow the result might have been serious. It was then that Hadfield struck back in self-defence.

After hearing Hadfield's witnesses, the jury found him 'guilty under strong provocation'. Asked if he would 'extend the benefits of the First Offenders Act to the prisoner', Judge Conolly 'said he would like to know more about prisoner', and deferred sentence.⁶⁰² When he came up for sentence, evidence was produced 'as to character'. An Auckland auctioneer, who 'knew him as a manufacturer of furniture' for the past nine years, considered him 'to be quiet and inoffensive, and a hardworking man'. A Karangahake auctioneer and storekeeper who had known him for eight years knew him as 'a hard working man' who had never caused 'any breaches of the peace'. A salesman considered him 'as a hard working and inoffensive man'. After the police reported that Hadfield had been before the courts for being drunk and disorderly and that the charge against him for unlawful wounding had been dismissed, and agreed he was 'hard-working', Conolly stated that, while 'it appeared the prisoner was hard working and honest', he could not overlook the assault. 'The quarrel commenced between two women, and then prisoner and Evans got mixed up in it. He thought prisoner's conduct was exceedingly brutal, for the blow inflicted was sufficient to fracture Evans' skull'. Having knocked him 'down senseless he

⁶⁰² Supreme Court, *New Zealand Herald*, 12 June 1897, p. 3.

did not attempt to see whether he was injured or not', and knocking Annie Woods down indicated he had 'a violent disposition. Had it not been for the evidence as to character, and the jury's finding (although His Honor must confess he did not see where the provocation came in) the sentence might have been more severe'. Hadfield was sentenced to six months with hard labour.⁶⁰³ Whilst awaiting trial, he accused Nellie Durham of using obscene language against him in Chapel Street, a charge that was dismissed, possibly because she appeared in court 'respectably dressed'.⁶⁰⁴

Although the name of 'the woman living with' Hadfield was not recorded by the newspapers, at this trial Alice Green, clearly Alice Mackay, gave evidence in his defence, as did her brother, George.⁶⁰⁵ In September, Annie Woods charged Alice Green with using 'provoking language', namely 'You dirty bloody mare' and 'You fucking bastard', making her 'afraid that such conduct may be repeated'. As, after seeking to have Alice bound over to keep the peace, she did not appear in court, the charge was dismissed.⁶⁰⁶

In 1898 Hadfield was fined 6s 'for a boy who has lived at his house for some time without attending school',⁶⁰⁷ presumably one of Alice's boys. By the early twentieth century, Hadfield and Alice Mackay lived together in Hayden Street, off Howe Street, close to the centre of Auckland. In June 1902, he was fined for depasturing three cows in the latter street; 'Alex Mackie' was also fined for depasturing a horse there,⁶⁰⁸ which suggests that Mackay, who, as explained below, had a new lover and a new family, had no more hard feelings about the man who had replaced him in Alice's affections. In January 1910, when he was living in Auckland, Mackay was fined £2 for 'cruelly ill-treating a horse' over four days 'by failing to provide it with food & water'.⁶⁰⁹ Hadfield was also in trouble through his animals, in May and June 1902 being fined for depasturing four cows in Beresford

⁶⁰³ Supreme Court, *Auckland Star*, 12 June 1897, p. 2; Supreme Court, *New Zealand Herald*, 14 June 1897, p. 3.

⁶⁰⁴ Police Court, *Auckland Star*, 17 May 1897, p. 2; Police Court, *New Zealand Herald*, 18 May 1897, p. 3.

⁶⁰⁵ Supreme Court, *New Zealand Herald*, 12 June 1897, p. 3.

⁶⁰⁶ Auckland Police Court, Criminal Record Book 1897-1898, folio 52, BADW 10254/22a, ANZ-A; Police Court, *New Zealand Herald*, 18 September 1897, p. 3.

⁶⁰⁷ Police Court, *Auckland Star*, 20 July 1898, p. 4.

⁶⁰⁸ Police Court, *New Zealand Herald*, 6 January 1902, p. 7.

⁶⁰⁹ Auckland Magistrate's Court, Criminal Record Book 1909-1910, folio 218, BADW 10254/63a, ANZ-A.

Street and three in Howe Street.⁶¹⁰ He was fined again for the latter offense in December 1902, and at the end of that year ‘did depasture 3 cows in an allotment off Howe Street ... without such cattle living in an enclosure’.⁶¹¹ Six months’ later the same fine, 5s, was imposed for his three cows being ‘found in Pitt St without any person in charge’.⁶¹² In October 1905, when fined 10s for permitting his cow to wander ‘at large in Nelson Street’, clearly because of his financial state he was given a week to pay and thereby avoid 14 days’ hard labour.⁶¹³ Nine months later he was fined the same amount for not registering his dog.⁶¹⁴ The last time he was involved with the law seems to have been in October 1919, when James Wilson Mackay, aged 29, was charged with assaulting him. In court, ‘Mackay presented a considerably battered appearance, with a head bandage over one eye, but it was stated that Hadfield was in delicate health, and could not appear at all’. As the police opposed bail because Mackay ‘might seek an interview with Hadfield’, he was remanded in custody.⁶¹⁵ The outcome has not been traced; could the assailant have been Mackay’s son William James, born in 1889?⁶¹⁶

Alice was not listed in the 1902 electoral roll as living with Hadfield in Hayden Street, but, as Haile Hadfield, a married woman, she was living with him there from at least 1905.⁶¹⁷ In 1916, when she was a charwoman, a child, Mary Hadfield, one year and eight months old, was living with them;⁶¹⁸ no birth certificate has been traced, and this possible daughter

⁶¹⁰ Auckland Magistrate’s Court, Criminal Record Book 1902, folios 176, 236, BADW 10254/34a, ANZ-A.

⁶¹¹ Auckland Magistrate’s Court, Criminal Record Book 1902-1903, BADW 10254/37a, ANZ-A.

⁶¹² Auckland Magistrate’s Court, Criminal Record Book 1903, folio 229, BADW 10254/38a, ANZ-A.

⁶¹³ Auckland Magistrate’s Court, Criminal Record Book 1905, folio 97, BADW 10254/46a, ANZ-A.

⁶¹⁴ Auckland Magistrate’s Court, Criminal Record Book 1907, folio 95, BADW 10254/49a, ANZ-A.

⁶¹⁵ *Auckland Star*, 17 October 1919, p. 5.

⁶¹⁶ Birth Certificate of William James Mackay, 2 July 1889, 1889/7875, BDM.

⁶¹⁷ *City of Auckland Electoral Rolls, 1902*, p. 110, *1905*, p. 35, *1908*, p. 45, *1911*, p. 70.

⁶¹⁸ Auckland Hospital and Charitable Aid Board, Applications for Relief 1908-1919, folio 354, YCAB 15246/1a, ANZ-A.

(also known as Rita May?) was not included on Alice's death certificate.⁶¹⁹ As she may have been adopted out, tracing her is impossible; and if adopted she would not have been included on the death certificate. But surely she was too old to have another child.

In 1900, when contacting the press about her concerns for her brother George, Alice called herself 'Mrs John Hadfield'.⁶²⁰ Twice in 1908 Alice Hadfield and 'Mrs Hadfield' was fined for permitting a horse to wander in Karangapahe Road.⁶²¹ When admitted to hospital in 1913 because of an aneurysm, she was registered as Alice Hadfield, a married women.⁶²² She gave the same name three years later.⁶²³ But they had not married, and could not be, because Mackay was still alive. Even though both Mackay and Alice had settled in to new relationships, neither sought a divorce. Even after Mackay died in October 1918, for some reason she and Hadfield delayed marrying until 6 January 1922, in their home, probably held there because he was seriously ill. On the marriage certificate she recorded herself as Hales Bridget Mackay, a widow since October 1918, gave her father's surname as Isherwood, and her age as 50 (Hadfield was 51).⁶²⁴ Her 1942 death certificate gave her age on remarriage as 58.⁶²⁵ (It is possible that, Bridget was added to emphasize her Catholicism, and Hales, a pet name pronounced Halice, indicated a fresh start with a new partner, just as Mackay added Bredalbane as a middle name.)

At the end of January 1916, Hadfield had been admitted to hospital suffering from heart disease, not being discharged 'relieved' until March the following year.⁶²⁶ In November 1916, he had sought charitable relief

⁶¹⁹ Death Certificate of Hales Bridget Hadfield, 25 January 1942, 1942/16967, BDM.

⁶²⁰ *Auckland Weekly News*, 14 December 1900, p. 29.

⁶²¹ Auckland Magistrate's Court, Criminal Record Books 1908, folio 6, BADW 10254/55a; folio 56, BADW 10254/56a, ANZ-A.

⁶²² Auckland Hospital, Register of Admissions and Discharges 1913-1915, folio 25, YCAB 15266/1a, ANZ-A.

⁶²³ Auckland Hospital and Charitable Aid Board, Applications for Relief 1908-1919, folio 354, YCAB 15246/1a, ANZ-A.

⁶²⁴ Marriage Certificate of John Hadfield and Hales Bridget Mackay, 7 January 1922, 1922/475, BDM.

⁶²⁵ Death Certificate of Hales Bridget Hadfield, 25 January 1942, 1942/16967, BDM.

⁶²⁶ Auckland Hospital, Register of Admissions and Discharges 1915-1917, folio 5, YCAB 15266/2a, ANZ-A.

because of 'Heart weakness after operation'.⁶²⁷ On 28 March 1922, less than three months after his wedding, he died in hospital, the death certificate recording that he had suffered from valvular disease of the heart for years before his final heart attack. He had an Anglican funeral, but the name of his widow, now Haley Bridget,⁶²⁸ suggested that she was still a Catholic. 'May he rest in peace', she wrote in his death notice.⁶²⁹ His will, drawn up on the day he had married, left all his estate to her; it was valued at under £700.⁶³⁰

Hales Bridget Hadfield, as she called herself for the rest of her life, died in hospital in January 1942, reportedly aged 82 and having been married to Mackay when she was 18. Her father's name was recorded as Green, and the certificate listed three sons aged from 64 to 49 and four daughters aged from 62 to 53. Despite having been a Catholic at least as late as 1913, she had an Anglican funeral service.⁶³¹ 'Sadly missed', said her death notice, which recorded that she had been living in Hayden Street, although she had been transferred to the hospital from Hoe-o-Tainui, a farming district in the Waikato; presumably she had been staying with a relative. She had been suffering for years from cancer of the stomach plus senility.⁶³²

MACKAY'S SECOND FAMILY

Having allegedly forced his wife to become an Auckland prostitute, in the early 1890s Mackay was in Auckland only rarely after the 1891 visit that had led to his children being taken into care and to his first imprisonment for fighting in the street. He remained in Paeroa for most of the 1890s, mining and working on constructing the railway, as noted. In

⁶²⁷ Auckland Hospital and Charitable Aid Board, Applications for Relief 1908-1919, folio 354, YCAB 15246/1a, ANZ-A.

⁶²⁸ Death Certificate of John Hadfield, 28 March 1922, 1922/516, BDM.

⁶²⁹ Death Notice, *New Zealand Herald*, 29 March 1922, p. 1.

⁶³⁰ Probates, BBAE 1569/15576, ANZ-A.

⁶³¹ Auckland Hospital, Register of Admissions and Discharges 1913-1915, folio 25, YCAB 15266/1a, ANZ-A; Death Certificate of Hales Bridget Hadfield, 25 January 1942, 1942/16967, BDM.

⁶³² Death Notice, *New Zealand Herald*, 27 January 1942, p. 1; Death Certificate of Hales Bridget Hadfield, 25 January 1942, 1942/16967, BDM.

January 1897, he gave his address as the Auckland suburb of Kingsland,⁶³³ where he was awaiting the birth, in Auckland, of Annie Mackay. Born in the following month, she was recorded as being the daughter of Alexander Bardalbin (correctly Bredalbane) Mackay, mining agent, aged 56, and Hannah Mary Leaming, aged 37. Despite being recorded as illegitimate, both her parents signed the birth certificate, Mackay shakily as 'Alex B. Mackay', and her surname was given as Mackay.⁶³⁴ Her subsequent siblings would be recorded, legally correctly, as Leaming.

Annie died a week after their second daughter was born,⁶³⁵ almost exactly one year later. This daughter was Blanche Bredalbane Mackay,⁶³⁶ who would suffer from tuberculosis.⁶³⁷ In May 1899 Alexander Bredalbane Mackay Leaming⁶³⁸ (Mackay was determined to have his first name immortalized) was born, and Constance Olivia Bredalbane Mackay Leaming in October 1900, who died after only four months of life.⁶³⁹ Another Constance Bredalbane Mackay Leaming was born in 1904, when Hannah was 43.⁶⁴⁰ All these births, apart from Alexander's at Devonport, took place at Paeroa, and in every case both parents signed birth certificates which noted that they were not married and that the children were illegitimate; Mackay gave his name as Alexander Bredalbane Mackay when the births of both Constance's were registered. In 1908, when Hannah gave evidence in court supporting Mackay in a suit to obtain an interest in a mining claim, they both described her as being his housekeeper.⁶⁴¹

Who was Hannah Mary Leaming? Born in Onehunga, she was the daughter of William Morris, who in 1885 was an ex-soldier with no current

⁶³³ *Mercantile and Bankruptcy Gazette of New Zealand*, 28 January 1897, p. 48.

⁶³⁴ Birth Certificate of Annie Leaming, 23 February 1897, 1897/14372, BDM.

⁶³⁵ Death Certificate of Anne Bredalbane Mackay, 1 March 1898, 1898/7007, BDM.

⁶³⁶ Birth Certificate of Blanche Bredalbane Mackay Leaming, 22 February 1898, 1898/1943, BDM.

⁶³⁷ Michele Scott to Philip Hart, 7 July 2016, email.

⁶³⁸ Birth Certificate of Alexander Bredalbane Mackay Leaming, 20 May 1899, 1899/4937, BDM.

⁶³⁹ Birth Certificate of Constance Olivia Bredalbane Mackay Leaming, 25 October 1900, 1900/11225; Death Certificate of Constance Olivia Bredalbane Mackay Leaming, 6 March 1901, 1901/516, BDM.

⁶⁴⁰ Birth Certificate of Constance Bredalbane Mackay Leaming, 9 April 1904, 1904/16886, BDM.

⁶⁴¹ *Ohinemuri Gazette*, 10 July 1908, p. 2.

occupation, and Mary, née Bradburn. In June that year, at the age of 24, she married William Henry Leaming at the registrar's office at Thames, where she was living. Leaming, aged 21, a clerk in the civil service, had been born in Sheffield, England, to John, an ironworker, and Harriet, née Littlewood.⁶⁴² They moved to Auckland, where their son, William Morris Leaming, was born in September 1888. After living for only eight months, he died after suffering from fever and diarrhoea for five weeks and pneumonia for three.⁶⁴³ His death notice described him as their 'only and beloved child', whose death was 'deeply regretted'.⁶⁴⁴ Perhaps the shock of his illness and eventual ruined their marriage, for they separated at an unknown date. In 1893, Hannah had another child, Mabel Kathleen, in Geelong, Victoria, Australia, and gave Leaming as the father,⁶⁴⁵ which was almost certainly incorrect, for they were not living together: in that year he was living at Three Kings in Auckland with George Henry Leaming, presumably a brother; both were ironworkers.⁶⁴⁶ They were still living there several years later, but by 1899 William was living there alone.⁶⁴⁷ Mackay would call Mabel 'the Hun', possibly a curious endearment, but possibly a reference to an unknown German father.⁶⁴⁸ He was sufficiently fond of her to include her in his will.⁶⁴⁹

Hannah's address in the early 1890s has not been traced in Auckland, presumably because she was in Geelong and perhaps other parts of Australia. In July 1895, when she appealed to the Auckland Charitable Aid Board for relief, she stated that she had been living in the district for five months as a dressmaker, but needed assistance because of 'Want of Work'. Although she stated that her husband was working in the *New Zealand*

⁶⁴² Marriage Certificate of William Henry Leaming, 1885/1101, BDM; Auckland Hospital and Charitable Aid Board, Applications for Relief 1894-1907, folio 55, YCAB 15245/2a, ANZ-A.

⁶⁴³ Birth Certificate of William Morris Leaming, 1888/16823; Death Certificate of William Morris Leaming, 5 April 1889, 1889/1626, BDM.

⁶⁴⁴ *Auckland Weekly News*, 13 April 1889, p. 1.

⁶⁴⁵ Birth Certificate of Mabel Kathleen Leaming, 1893/13184, Birth Index, Births Deaths and Marriages, Victoria, Australia; Marriage Certificate of Mabel Kathleen Leaming, 19 May 1920, 1920/565, BDM.

⁶⁴⁶ *Manukau Electoral Roll, 1893*, pp. 33-34.

⁶⁴⁷ *Manukau Electoral Rolls, 1896*, p. 44; *1897*, p. 26; *1899*, p. 39; *1900*, p. 30.

⁶⁴⁸ Michele Scott to Philip Hart, 8 July 2016, email.

⁶⁴⁹ Probates, BBAE 1569/13313, ANZ-A.

Herald office,⁶⁵⁰ clearly he had ceased to provide for her, for otherwise why was she seeking charity? Leaming would die in 1932.⁶⁵¹ After their marriage failed, Mackay must have met her by 1896 at the latest, for they lived together in Kingsland for at least part of that year and into early 1897, their first child being born there in February 1897.⁶⁵² Mackay sold his Paeroa dwelling in 1904,⁶⁵³ and from then on lived mostly in Auckland.

Hannah's descendants recalled her as being a tiny person, less than five feet in height, with remarkably small feet.⁶⁵⁴ She was 'short, tiny, strong, devoutly religious and could sing beautifully. She was a good mother by all accounts'.⁶⁵⁵ (Despite her devoutness, she 'lived in sin' with Mackay.) She was recalled as having 'a beautiful singing voice'.⁶⁵⁶ Although Mackay and Hannah were Presbyterians,⁶⁵⁷ their daughter Blanche was sent to the convent school at Paeroa before going to the state school; for some reason, the school was given her birth date, and that of her brother Alexander, that was one year later than the correct one.⁶⁵⁸ Unlike Mackay's life with Alice, he and Hannah seem to have led a quiet life and, if the number of children reveals anything, a happy one. However, a descendant of his second family understands that 'Alex was not about much in his second children's lives.... Always on the [gold] fields'.⁶⁵⁹

MACKAY'S DEATH

When an unmarried miner was admitted to the Thames hospital in September 1908, he gave his contact details as being care of Mackay, at

⁶⁵⁰ Auckland Hospital and Charitable Aid Board, Applications for Relief 1894-1907, folio 55, YCAB 15245/2a, ANZ-A.

⁶⁵¹ Death Certificate of William Henry Leaming, 1932/1543, BDM.

⁶⁵² *Mercantile and Bankruptcy Gazette of New Zealand*, 28 January 1897, p. 48; Birth Certificate of Annie Leaming, 23 February 1897, 1897/14372, BDM.

⁶⁵³ Advertisement, *Ohinemuri Gazette*, 21 September 1904, p. 3.

⁶⁵⁴ Interview with Ray McKay, Hamilton, 12 July 2016; Michele Scott to Philip Hart, 28 July 2016, email.

⁶⁵⁵ Michele Scott to Philip Hart, 8 July 2016, email.

⁶⁵⁶ Michele Scott to Philip Hart, 28 July 2016, email.

⁶⁵⁷ See Death Certificate of Anne Bredalbane Mackay, 1 March 1898, 1898/7007. BDM.

⁶⁵⁸ Paeroa School, Admissions Register 1899-1907, nos. 1451, 1619, Primary School Archives, Paeroa.

⁶⁵⁹ Michele Scott to Philip Hart, 7 July 2016, email.

Paeroa.⁶⁶⁰ In August 1909, Mackay and his second family moved to Auckland, where they remained for the rest of his life.⁶⁶¹ In his last years, according to his obituary, Mackay ‘was an active man despite his age’.⁶⁶² After being admitted to the Auckland hospital in December 1914 with pneumonia and rheumatic heart disease, he was discharged ‘relieved’ three weeks later.⁶⁶³ He first received a small pension for miners’ phthisis in 1915.⁶⁶⁴ He died in October 1918, aged 83, from heart failure; according to his death notice (which recorded his name as McKay and his occupation as ‘late prospector’), he ‘passed peacefully away’.⁶⁶⁵

His death certificate stated that he had four sons, three of them being by Alice and the other by Hannah, and six daughters, three from each partner.⁶⁶⁶ In his will, because of his infirmity signed with a mark on the day he died, he appointed Hannah as one of his executors. All his property was left to Hannah, their son and daughters along with her daughter Mabel Kathleen, but nothing was left to the children from his first marriage. The will called him Alexander Bredalbane McKay, ‘also known as Mackay’, although his death certificate recorded Alexander Mackay.⁶⁶⁷ His estate, valued at £120 13s 4d, consisted of 20 promoters’ shares in the Jewel Nos. 1 and 2 (formerly Saxon Nos. 1 and 2),⁶⁶⁸ one third of Waikino township, and ‘any property in Scotland in my name’, a vague rubric which could not have

⁶⁶⁰ Thames Hospital, Fees Register 1907-1910, folio 74, YCAH A431/74, ANZ-A.

⁶⁶¹ Paeroa School, Admissions Register 1899-1907, no. 1619, Primary School Archives, Paeroa; Maori War Index, MW 1808, Army Department, AD 32, ANZ-W; *Ohinemuri Gazette*, 4 October 1918, p. 2.

⁶⁶² *Ohinemuri Gazette*, 4 October 1918, p. 2.

⁶⁶³ Auckland Hospital, Register of Admissions and Discharges 1913-1915, folio 175, YCAB 15266/1a, ANZ-A; Anton Sebastian, *A Dictionary of the History of Medicine* (London and New York, 1999), p. 284.

⁶⁶⁴ Return of Men who have Received Compensation from the Parliamentary Vote for Miners’ Phthisis, Mines Department, MD 1A, 7/11, Part 1, ANZ-W.

⁶⁶⁵ Death Certificate of Alexander Mackay, 1 October 1918, 1918/7006, BDM; Death Notice, *Auckland Star*, 2 October 1918, p. 1.

⁶⁶⁶ Death Certificate of Alexander Mackay, 1 October 1918, 1918/7006, BDM.

⁶⁶⁷ Probates, BBAE 1569/13313, ANZ-A; Death Certificate of Alexander Mackay, 1 October 1918, 1918/7006, BDM.

⁶⁶⁸ Warden’s Court, *Ohinemuri Gazette*, 27 March 1914, p. 3.

assisted his descendants to claim it.⁶⁶⁹ And four years after giving his religion as Presbyterian, he was buried in a Methodist ceremony.⁶⁷⁰ As was Hannah, cancer killed her in May 1921, when she was aged 59. Her death certificate recorded her name as Hannah McKay, but did not explain this surname, giving William Leaming as her first husband and not recording a second one. She left a son aged 22 (Alexander) and three daughters aged 29 (Mabel), 23 (Blanche), and 16 (Constance).⁶⁷¹ She was buried with Mackay.⁶⁷²

The *Ohinemuri Gazette* was the only newspaper to print an obituary of Mackay, spelling his name as McKay. 'One of the pioneers of mining and prospecting in Ohinemuri' he 'was an active man despite his age. In the early days he saw many reverses on the goldfields, but pinned his faith even to the last to a piece of ground at Karangahake known as the Saxon No. 2, and held interests in this ground when he died'. He had lived in Paeroa 'for many years, but has resided in Auckland for some considerable time'. There was no mention of a wife or any children.⁶⁷³ And although he was recognized as being a pioneer prospector, despite his best efforts at self-promotion he was not recorded as having been the first to find gold on any field.

CONCLUSION

Mackay's death notice described him as 'late prospector, Ohinemuri'.⁶⁷⁴ He was remembered as 'one of the pioneers of mining and prospecting in Ohinemuri',⁶⁷⁵ but not *the* pioneer, as he had claimed when exaggerating his role in the hope of winning fame and a reward. A self-proclaimed mining expert, although he did find some gold in new districts he failed to find

⁶⁶⁹ Probates, BBAE 1569/13313; Testamentary Register 1919, folio 340, BBCB 4208/15, ANZ-A.

⁶⁷⁰ Auckland Hospital, Register of Admissions and Discharges 1913-1915, folio 175, YCAB 15266/1a, ANZ-A; Death Certificate of Alexander Mackay, 1 October 1918, 1918/7006, BDM.

⁶⁷¹ Death Certificate of Hannah McKay, 12 May 1921, 1921/1012, BDM.

⁶⁷² Block A Row 5 Plot 26, Waikumete Cemetery: research by Wendy Morris, provided by Michele Scott to Philip Hart, 1 August 2016, email.

⁶⁷³ *Ohinemuri Gazette*, 4 October 1918, p. 2.

⁶⁷⁴ *Auckland Star*, 2 October 1918, p. 1.

⁶⁷⁵ *Ohinemuri Gazette*, 4 October 1918, p. 2.

highly profitable gold on any field, for otherwise his financial situation would have been much stronger. As was so common amongst miners, he would exaggerate values in the hope of obtaining financial advantage. His prospecting and mining in many districts, and taking up other work when mining was slack, was typical of many miners, as was his struggle to earn money, even by making false claims about the value of the ground he owned or worked on. And his drink problem was common to many of his contemporaries. But his private life, and its impact on his first wife and their children, was, fortunately, not typical. Their unorthodox lifestyle, including the attempted financial scam by the ‘trio of scoundrels’, made this family’s story very unusual. To his contemporaries, his work as a prospector and miner would have been overshadowed by his personal defects.

APPENDIX

Figure 1: Ellen Green/Isherwood, Alexander Mackay’s sister-in-law, n.d., Belinda Norris Collection; used with permission.

Figure 2: James Green, Alexander Mackay’s brother-in-law, 1907, Avondale Asylum, Case Book 1906-1908, folio 177, YVBZ 1048, A1827/1, Archives New Zealand/Te Rua Mahara o te Kawanatanga, Auckland Regional Office; used with permission.

Figure 3: Hannah Mary Leaming, reputedly with Mackay, but he appears too young for a man aged in his fifties and may be her first husband, n.d. (1890s), Michele Scott Collection; used with permission.



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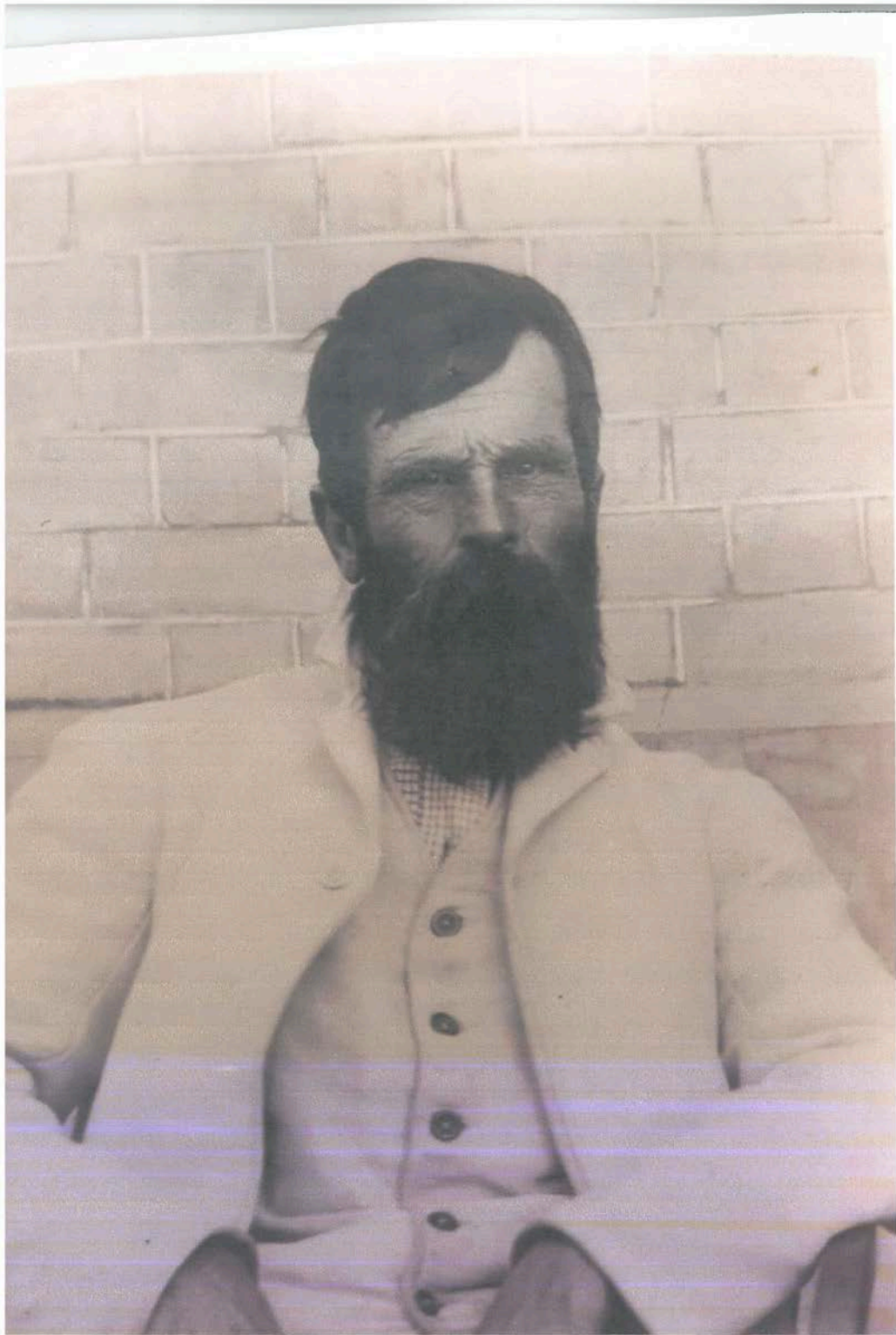


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